

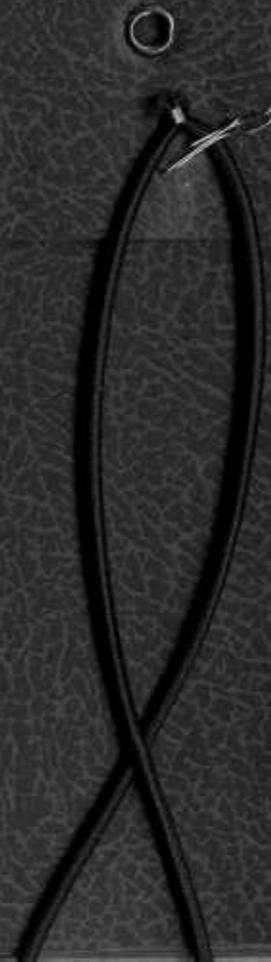
SN 140-07

Shipyard Alley

↖ Growth Allocation

↗ Other

51829-6810



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

May 1, 2008

Karen Houtman
Town of Snow Hill
P.O. Box 348
Snow Hill, MD 21863

RE: Shipyard Alley Growth Allocation

Dear Ms. Houtman,

As you know the Critical Area Commission concurred with the Chair's decision to approve the Shipyard Alley request for growth allocation with the following condition of approval:

"The applicant shall submit a revised Buffer Management Plan to the Critical Area Commission staff for review and approval prior to final approval of the subdivision. The Buffer Management Plan shall include a maintenance agreement."

The applicant's consultant has submitted a Buffer Management Plan and maintenance agreement dated April 15, 2008 that satisfies the condition above. The Critical Area Commission office has no further concerns or comments regarding this project. If you have any questions or need further information, please contact me at (410) 260-3479.

Sincerely,

A handwritten signature in black ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: Pearse O'Doherty, O'Doherty Group Landscape Architecture
Sandy Hillyer

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



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March 28, 2008

Karen Houtman
Town of Snow Hill
P.O. Box 348
Snow Hill, MD 21863

RE: Shipyard Alley Growth Allocation

Dear Ms. Houtman,

As you know the Critical Area Commission concurred with the Chair's decision to approve the above referenced request for growth allocation with the following condition of approval:

"The applicant shall submit a revised Buffer Management Plan to the Critical Area Commission staff for review and approval prior to final approval of the subdivision. The Buffer Management Plan shall include a maintenance agreement."

The applicant's consultant has submitted a revised Buffer Management Plan (BMP) with attached maintenance agreement, and we have met to discuss the submittal. The following are changes that that should be made to the Buffer Management Plan and maintenance agreement.

1. The meadow mix areas of the plan and can be mowed up to two times per year. However, the applicant should reduce the amount of meadow mix area to no more than 20% of the Buffer area. The meadow mix areas should be reduced beneath large tree canopies where most shading will occur. In addition, the meadow mix must be moved away from the shoreline. Reduction of the meadow mix areas should coincide with expanding of shrub/tree planting areas as described below.
2. In the most shaded areas underneath large existing tree canopies, meadow mix should be replaced with appropriate shrub plantings. I previously sent a list of suggested shrubs species to the applicant, and one of the consultants hired by the applicant, Mr. Wilson, has concurred that some of those shrub species in the list would be appropriate. For the areas beneath the trees where root damage is a risk, bare root or seedlings are acceptable, in order to minimize risk of damage to the tree roots during installation.



3. Replace the meadow mix areas within approximately 20 feet of the shoreline with trees and/or shrubs.
4. Some form of permanent marker (e.g. stones or signs) should be used where the private yards coincide with the Buffer so that future property owners are aware that those areas are subject to the Maintenance Agreement attached to the BMP.
5. The Maintenance Agreement attached to the BMP should clearly state that mowing of the planted meadow vegetation areas in common or private ownership, can only occur twice per year. It should be stated clearly that the Buffer must be maintained in natural vegetation. Maintenance of the Buffer is only permitted as described in the BMP.

Prior to final approval by the Town of the subdivision, the applicant should submit revisions to the BMP for review and approval by this office. If you have any questions or need further information, please contact me at (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: Pearse O'Doherty, O'Doherty Group Landscape Architecture
Sandy Hillyer

Critical Area Commission

STAFF REPORT

December 5, 2007

APPLICANT: Town of Snow Hill

PROPOSAL: Shipyard Alley Growth Allocation Request

COMMISSION ACTION: Concurrence with the Chair's determination of refinement

STAFF RECOMMENDATION: Concurrence

STAFF: Marshall Johnson

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1808.1, 8-1809(p), and
COMAR 27.01.02.06

DISCUSSION:

The Town of Snow Hill is requesting three acres of growth allocation in order to permit the construction of residential buildings consisting of 11 dwelling units on the subject site. The site is an approximately three acre property located at the intersection of Market Street and Shipyard Alley in Snow Hill with approximately 360 feet of frontage on the Pocomoke River. The entire site is located in Worcester County, within the Limited Development Area (LDA). The property is partially located within the 100-foot Buffer. The majority of the river frontage has an existing bulkhead, and there is a small nontidal wetland within the Buffer on the site. Currently, the property is developed with existing dwellings and structures which would be removed. All new development would be outside of the Buffer.

Project Description

Approval of the growth allocation would result in changing the three acre site from LDA to IDA (Intensely Developed Area). Given the location of the property within a proposed IDA, the applicants must demonstrate compliance with the 10% pollutant reduction rule. The applicant has demonstrated compliance with the 10% pollutant reduction rule by use of an on-site stormwater management pond.

Growth Allocation Criteria and Guidelines

Natural Resources Article 8-1808.1(c) requires the Commission to ensure that the following guidelines have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area Law and Criteria:

1. *Locate a new IDA in a LDA or adjacent to an existing IDA. The proposed new IDA will be within an area designated LDA.*

2. *A new IDA shall be a minimum of 20 acres unless it is adjacent to an existing IDA or LDA or is a grandfathered commercial, industrial, or institutional use that existed as of the date of the local Critical Area program approval. The proposed new IDA will be adjacent to an existing area designated LDA.*
3. *Locate a new LDA or IDA in a manner that minimizes impacts to habitat protection areas as defined in COMAR 27.01.09 and in an area and manner that optimizes benefits to water quality. This site is partially within the 100-foot Critical Area Buffer of the Pocomoke River. The applicant has provided a Buffer Management Plan proposing to plant the Buffer with native vegetation including mitigation for Buffer disturbance related to the project. There are areas proposed to be left unplanted in the Buffer because the applicant wishes to preserve multiple view corridors and suggests that planting beneath the large existing trees on site would be ill advised from a horticultural perspective. The applicant has stated that the planting plan will be revised as recommended by staff, in order to meet the requirements for a naturally vegetated Buffer. The DNR Wildlife and Heritage Division letter regarding the proposal stated that there are records of two State listed threatened plant species on the site. The applicant has submitted a report by Delmarva Botanical Surveys stating that after a site survey, no rare or threatened species were found on the site, and further there is no habitat available for the species named in the DNR letter. It should also be noted that development within the existing lot pattern would likely result in greater impact to the Buffer than the applicant's proposal to redevelop the site with all buildings clustered outside of the Critical Area Buffer, and using IDA standards for stormwater quality treatment. The applicant has demonstrated compliance with the 10% pollutant reduction rule by use of an on-site stormwater management pond.*
4. *Locate new IDA or LDA in a RCA (Resource Conservation Area) at least 300 feet beyond the landward edge of tidal wetlands. The proposal would create IDA within LDA; therefore this guideline does not apply.*
5. *New IDA or LDA located in the RCA shall conform to all criteria of the Commission. The proposal would create IDA within LDA; therefore, this guideline does not apply.*
6. *Except in Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester, no more than one-half of the expansion allocated in the criteria of the Commission may be located in Resource Conservation Areas. This guideline does not apply.*

Similarly, the Code of Maryland Regulations provides the following additional instructions for growth allocation requests from local jurisdictions in COMAR 27.01.02.06, which include the following that are applicable to this project:

1. *The area of expansion of IDA or LDA, or both, may not exceed an area equal to five percent of the county's portion of the RCA lands that are not tidal wetland or federally owned.* This project involves use of three acres of growth allocation. Worcester County has approved the use of this amount of growth allocation by the Town of Snow Hill. The County has reported that there are currently 342.37 acres of growth allocation available. The three acres of growth allocation requested do not represent an expansion of IDA or LDA that would exceed five percent of the County RCA lands.
2. *New IDAs should be located where they minimize impacts to the defined land uses of the RCA.* The IDA designation allows intensification of residential use on a currently residentially developed property. No significant changes or impacts to the adjacent RCA are anticipated.

Town Action and Chair's Determination

On May 8, 2007 the Mayor and Council of Snow Hill recommended the award of three acres of Worcester County's Growth Allocation to the Shipyard Alley project to change the designation from LDA to IDA. On October 16, 2007 the Worcester County Commissioners granted the growth allocation as requested. The Chair has determined that the request can be handled as a refinement and is seeking your concurrence and recommendation.

Commission STAFF RECOMMENDATION:

The Staff recommends concurrence with the Chair's refinement determination to award growth allocation and amend the map to Intensely Developed Area (IDA) with the following condition:

1. The applicant shall submit a revised Buffer Management Plan to the Critical Area Commission staff for review and approval prior to final approval of the subdivision.

140-02

SHIPYARD ALLEY CRITICAL AREA BUFFER MANAGEMENT PLAN

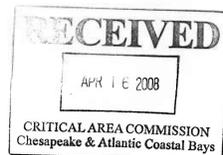
APRIL 15, 2008

SHEET INDEX

EXISTING CONDITIONS	LB-1
BUFFER ZONE EXISTING VEGETATION & MITIGATION CALCULATIONS	LB-2
BUFFER ZONE PHOTOS	LB-3
CRITICAL AREA BUFFER MANAGEMENT PLANTING PLAN	LB-4
SUPPORTING DOCUMENTATION	LB-5
SUPPORTING DOCUMENTATION	LB-6

PREPARED FOR: SHIPYARD ALLEY LLC
210 WEST MARKET STREET
SNOW HILL, MARYLAND 21863
410-703-1717

PREPARED BY: O'DOHERTY GROUP LANDSCAPE ARCHITECTURE
91 CATHEDRAL STREET, SUITE 200
ANNAPOLIS, MARYLAND 21401
410-269-4101
www.odohertygroup.com



THIS IS TO CERTIFY THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE "MINIMUM STANDARDS OF PRACTICE" OF THE BOARD FOR PROFESSIONAL LAND SURVEYORS OF THE STATE OF MARYLAND

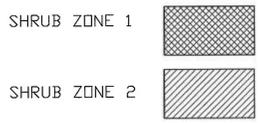
DATE _____

SIGNED _____

REGISTRATION NUMBER _____

NOTES

- OWNER:
SHIPYARD ALLEY, LLC
#210 W. MARKET ST.
SNOW HILL MD 21863
- PREMISES ADDRESS:
212, 214 & 300 W. MARKET STREET
SNOW HILL MD 21863
- TAX MAP 200 P. 139, 140, 141 & 142
- DEED REF: SVH 3371/95, SVH 4200/300
- PLAT REF: 154/64
- PRESENT ZONING: R-2
- FLOOD ZONE "A3" PER FIRM MAP PANEL 240086 0001 B,
DATED MAY 15, 1980
- THE ENTIRE SITE IS WITHIN THE CHESAPEAKE BAY CRITICAL AREA.



1. Property Location:
A. Tax Map: 200 P. 139, 140, 141 & 142

B. Premises address:
212, 214 & 300 W. Market Street
Snow Hill, Maryland 21863

C. Critical Area Designation: LDA

1. Owner Information:
Shipyard Alley LLC
Saunders C. Hillyer
210 W. Market Street
Snow Hill, Maryland 21863
Phone 410-703-1717

2. Property Status and Existing Conditions:
A. Property Size: 130,688 sq/ft or 3.000184 acres

B. Current Photos of Site: See Sheet Buffer Zone Photos

C. Rare, Threatened, and Endangered Plant Species:
None. See Attachment C, Sheet: Delmarva Botanical Surveys November 4, 2007 & Attachment A, Sheet: Maryland Department of Natural Resources, October 9, 2006

D. Property Description:
The entire site is within the Chesapeake Bay Critical Area. Shipyard Alley is an infill project within the Town of Snow Hill that will be developed under the Town's cluster provisions. The owner plans to construct nine single family dwelling units and one duplex unit for a total of eleven units. The lots range in size from 3,195 sq. ft. The project meets the cluster provisions, in that, it does not exceed density permitted in R-2 district, 38% of site is reserved for open space (including the buffer), wetlands are not to be disturbed, and buffer plantings will provide habitat.

E. Surrounding Properties Description:
Shipyard Alley is located in the Town of Snow Hill's R-2 Zoning District, a residential district that allows a density of six units per acre and a broad range of housing types ranging from single family detached to multi-family. Shipyard Alley is also located in the town's Arts and Entertainment District and it is a waterfront property bounded on the north by the Pocomoke River.

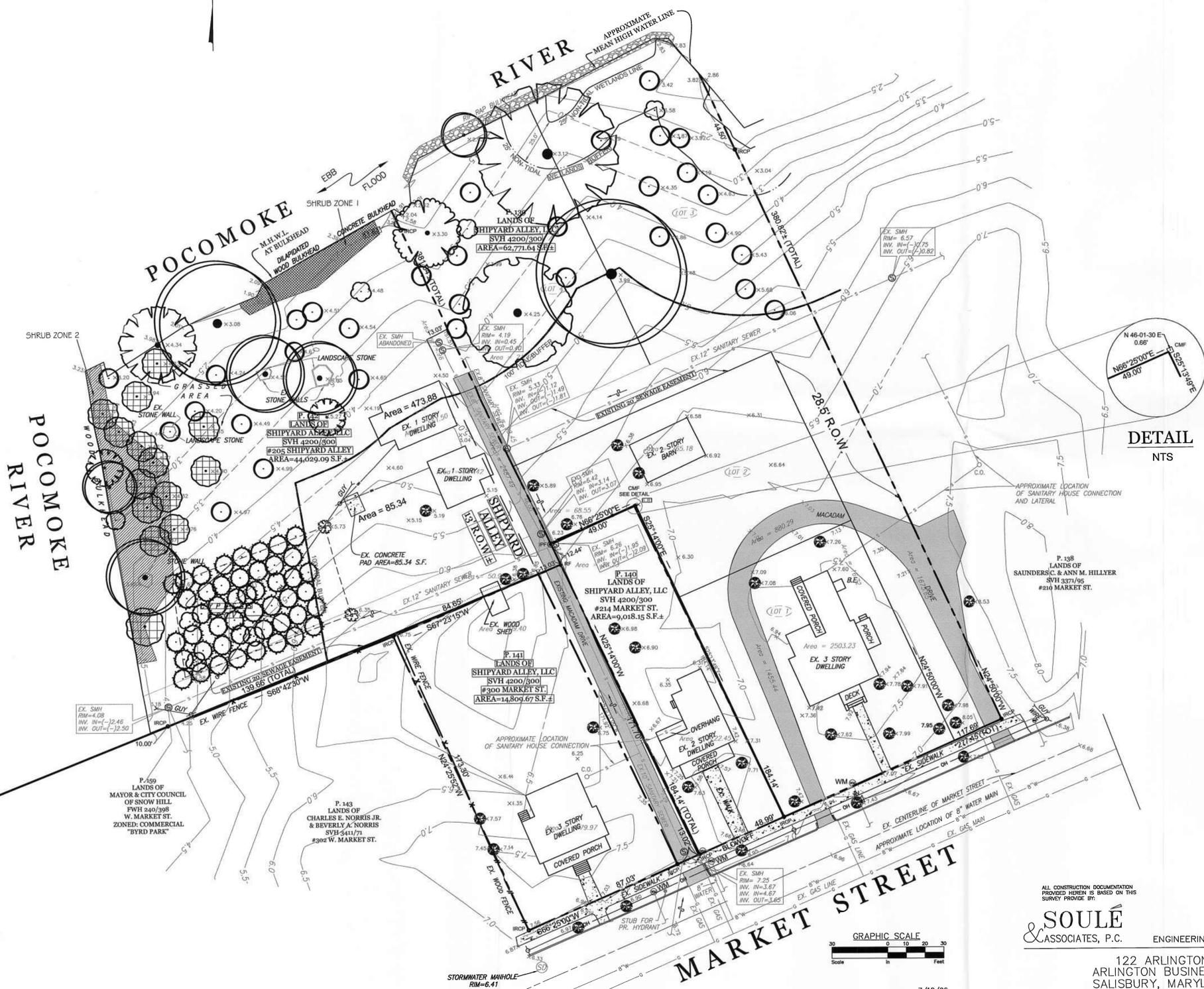
The neighborhood surrounding Shipyard Alley is characterized primarily by single family detached houses. Two single family residences are adjacent to Shipyard Alley: the Norris house at 302 W. Market St (south of Shipyard Alley) and the Hillyer residence at 210 W. Market St., east of Shipyard Alley. The Hillyer residence occupies a two and a half acre parcel that is precluded from subdivision by deed restrictions held by The Nature Conservancy. Additional single family detached houses are located across Market Street from Shipyard Alley.

Byrd Park, a large public park owned by the Town of Snow Hill, lies to the west of Shipyard Alley. The property lines for Shipyard Alley and Byrd Park touch in the southwestern corner of Shipyard Alley; however, most of the park's eastern boundary is adjacent to 302 Market St., referred to above, or is separated from Shipyard Alley by an arm of the Pocomoke River.

F. Shoreline Descriptions:
Heavy riprap protects the shore from the property line with 210 to the intersection of the axis of the Shipyard Alley right-of-way with the shoreline. West (downstream) of this axis broken concrete rubble and a dilapidated wood bulkhead "protect" the shoreline for approximately 75 feet. Beyond that the shoreline is unprotected (soft) to the intersection of the main stem of the river with the side channel. The side channel shoreline is protected by a wood bulkhead in decent condition.

G. Existing Vegetation:
See Sheet Buffer Zone Management Planting Plan and Attachment C, Sheet: Delmarva Botanical Surveys November 4, 2007

H. Species Utilizing Buffer Area:
The primary animal species utilizing the buffer are song birds, squirrels and Canada Geese.

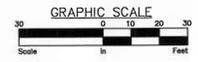


DETAIL NTS



LEGEND

- IRCP ○ IRON ROD WITH CAP PLACED BY SOULÉ AND ASSOC., P.C.
- CMF ⊕ CONCRETE MONUMENT FOUND
- IRF ⊕ IRON ROD FOUND
- RF ● REBAR FOUND
- WM ⊕ WATER METER
- SANITARY SEWER MANHOLE
- C.O. ○ SANITARY CLEANOUT
- UTILITY POLE
- ⊙ EXISTING TREES
- ⊙ EXISTING SPOT ELEVATION
- PROPERTY LINE
- - - EXISTING CONTOURS
- - - 100' TIDAL BUFFER
- - - 25' NON-TIDAL BUFFER
- - - NON-TIDAL WETLANDS LINE
- - - OVERHEAD ELECTRIC LINES
- EXISTING DRIVE
- EXISTING SIDEWALK



SOULÉ & ASSOCIATES, P.C. ENGINEERING / SURVEYING / PLANNING

122 ARLINGTON ROAD
ARLINGTON BUSINESS CENTER
SALISBURY, MARYLAND 21801
(410) 742-7797

Date Plotted: 7/12/06

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CRITICAL AREA BUFFER MANAGEMENT SITE PLAN
SHIPYARD ALLEY
SNOW HILL, MARYLAND

Issued	Date

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**O'DOHERTY GROUP
LANDSCAPE
ARCHITECTURE**
91 Cathedral Street, Annapolis, Md. 21401
Tel 410.269.4101 or 866.500.4102



SHEET TITLE
**EXISTING
CONDITIONS**

DRAWN:
CJL
APPROVED:
PROJ. #:
2403
SCALE:
as shown

LB1

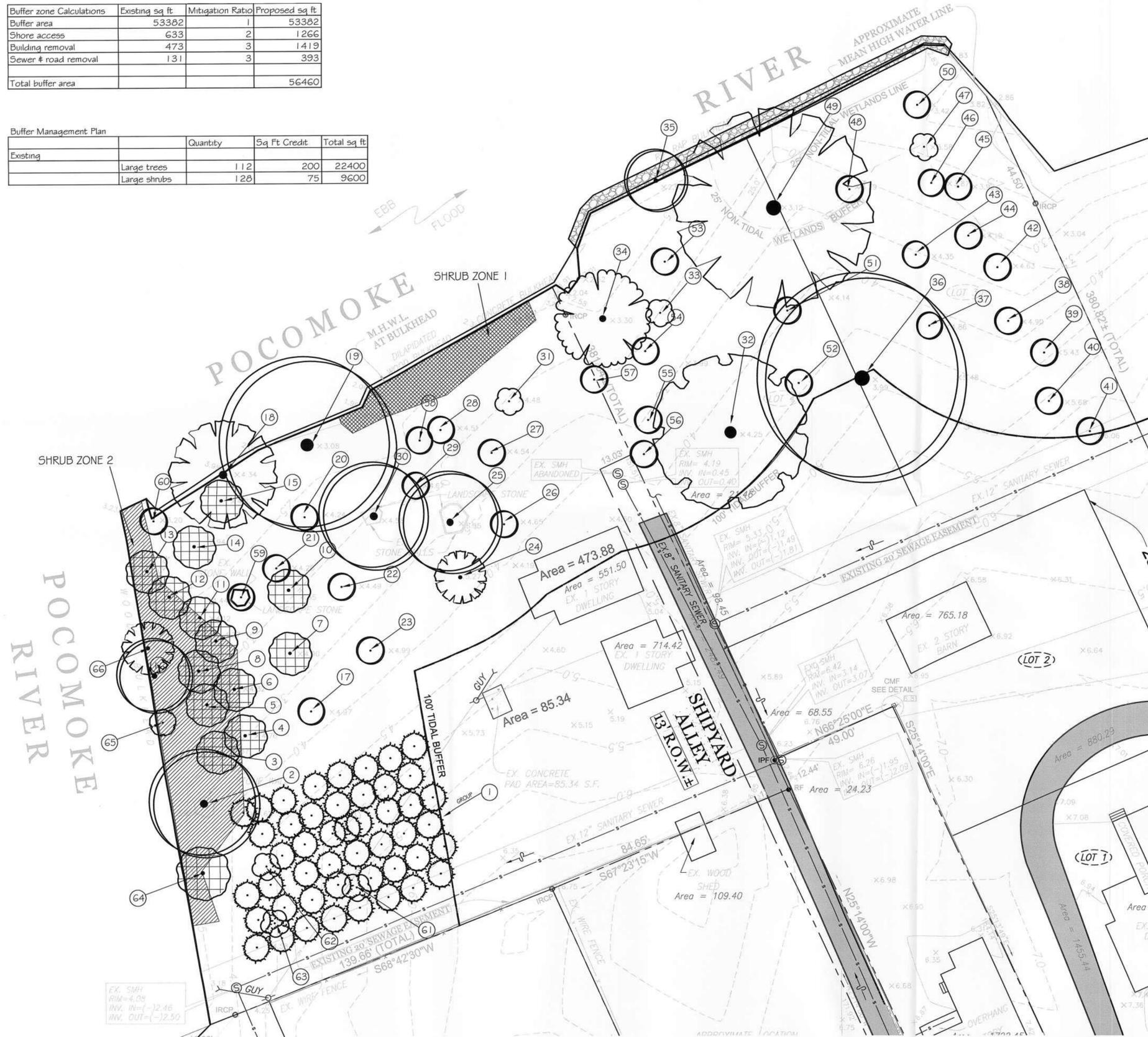
MARCH 2008

\\Brainiac\PROJECTS\2403 Shipyard Alley\Working CAD\BUFFER MANAGEMENT PLAN FEB 2008\LB-1 EXISTING CONDITIONS.dwg

MITIGATION CALCULATIONS

Buffer zone Calculations	Existing sq ft	Mitigation Ratio	Proposed sq ft
Buffer area	53382	1	53382
Shore access	633	2	1266
Building removal	473	3	1419
Sewer & road removal	131	3	393
Total buffer area			56460

Buffer Management Plan	Quantity	Sq Ft Credit	Total sq ft
Existing			
Large trees	112	200	22400
Large shrubs	128	75	9600



EXISTING TREES IN BUFFER

NUMBER	SCIENTIFIC NAME	COMMON NAME	DBH(IN)	CROWN (FT)	NOTES	QTY
1 (GROUP)	Taxodium distichum	Bald Cypress			recent plantings, QTY 47	47
2	Taxodium distichum	Bald Cypress		40'		1
3	Pinus taeda	Loblolly Pine			see notes	1
4	Pinus taeda	Loblolly Pine			DBH of pines range from 8"-2.5'	1
5	Pinus taeda	Loblolly Pine			and crowns overlap and feather	1
6	Pinus taeda	Loblolly Pine			see notes	1
7	Pinus taeda	Loblolly Pine			see notes	1
8	Pinus taeda	Loblolly Pine			see notes	1
9	Pinus taeda	Loblolly Pine			see notes	1
10	Pinus taeda	Loblolly Pine			see notes	1
11	Pinus taeda	Loblolly Pine			see notes	1
12	Pinus taeda	Loblolly Pine			see notes	1
13	Pinus taeda	Loblolly Pine			see notes	1
14	Pinus taeda	Loblolly Pine			see notes	1
15	Pinus taeda	Loblolly Pine			see notes	1
16	Taxodium distichum	Bald Cypress		30'		1
17	Taxodium distichum	Bald Cypress		4'		1
18	Salix babylonica	Weeping Willow		40'		1
19	Taxodium distichum	Bald Cypress	30"	66'		1
20	Taxodium distichum	Bald Cypress		3'		1
21	Taxodium distichum	Bald Cypress		4'		1
22	Taxodium distichum	Bald Cypress		4'		1
23	Taxodium distichum	Bald Cypress		4'		1
24	Salix babylonica	Weeping Willow		40'		1
25	Taxodium distichum	Bald Cypress	4'	36'		1
26	Taxodium distichum	Bald Cypress		4'		1
27	Taxodium distichum	Bald Cypress		4'		1
28	Taxodium distichum	Bald Cypress		4'		1
29	Taxodium distichum	Bald Cypress		4'		1
30	Taxodium distichum	Bald Cypress	3'	42'		1
31	Platanus occidentalis	Sycamore		12'		1
32	Gleditsia tricanthos	Honey Locust		60'		1
33	Platanus occidentalis	Sycamore		27'		1
34	Morus alba	White Mulberry		36'		1
35	Taxodium distichum	Bald Cypress		24'		1
36	Taxodium distichum	Bald Cypress	4'	78'		1
37	Taxodium distichum	Bald Cypress		4'		1
38	Taxodium distichum	Bald Cypress		6'		1
39	Taxodium distichum	Bald Cypress		6'		1
40	Taxodium distichum	Bald Cypress		4.5'		1
41	Taxodium distichum	Bald Cypress		4.5'		1
42	Taxodium distichum	Bald Cypress		6'		1
43	Taxodium distichum	Bald Cypress		4'		1
44	Taxodium distichum	Bald Cypress		4'		1
45	Taxodium distichum	Bald Cypress		4'		1
46	Taxodium distichum	Bald Cypress		4'		1
47	Platanus occidentalis	Sycamore		22'		1
48	Taxodium distichum	Bald Cypress		4'		1
49	Salix babylonica	Weeping Willow	5'	75'		1
50	Taxodium distichum	Bald Cypress		5'		1
51	Taxodium distichum	Bald Cypress				1
52	Taxodium distichum	Bald Cypress				1
53	Taxodium distichum	Bald Cypress				1
54	Taxodium distichum	Bald Cypress				1
55	Taxodium distichum	Bald Cypress				1
56	Taxodium distichum	Bald Cypress				1
57	Taxodium distichum	Bald Cypress				1
58	Taxodium distichum	Bald Cypress				1
59	Taxodium distichum	Bald Cypress				1
60	Taxodium distichum	Bald Cypress				1
61	Platanus occidentalis	Sycamore				1
62	Platanus occidentalis	Sycamore				1
63	Platanus occidentalis	Sycamore				1
64	Pinus taeda	Loblolly Pine				1
65	Acer rubrum	Red Maple				1
66	Salix babylonica	Weeping Willow				1
TOTAL						112

SHRUB ZONES

Common Name	Scientific Name	Shrub Zone	Shrub Zone
Red Maple	<i>Acer rubrum</i>	1	2
Smooth Alder	<i>Alnus serrulata</i>	0	4
Hackberry	<i>Celtis occidentalis</i>	1	9
Silky Dogwood	<i>Cornus amomum</i>	0	1
American Holly	<i>Ilex opaca</i>	12	4
Eastern Red Cedar	<i>Juniperus virginiana</i>	0	3
Sweet Gum	<i>Liquidambar styraciflua</i>	0	1
Tulip Poplar	<i>Liriodendron tulipifera</i>	0	6
Southern Magnolia	<i>Magnolia grandiflora</i>	1	0
Sweetbay Magnolia	<i>Magnolia virginiana</i>	0	1
White Mulberry	<i>Morus alba</i>	0	1
Loblolly Pine	<i>Pinus taeda</i>	0	2
Black Cherry	<i>Prunus serotina</i>	1	68
Water Oak	<i>Quercus nigra</i>	0	2
Swamp Rose	<i>Rosa palustris</i>	3	1
Sassafras	<i>Sassafras albidum</i>	0	6
Totals		18	110

* = Introduced (Non-native) Species

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 SNOW HILL, MARYLAND

Issued	Date

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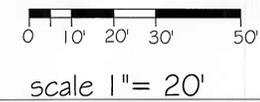
NORTH

SHEET TITLE
**BUFFER ZONE
EXISTING
VEGETATION &
MITIGATION CALC.**

DRAWN:
CJL
APPROVED:

PROJ. #:
2403
SCALE:
as shown

LB-2
MARCH 2008



\\brainiac\PROJECTS\2403 Shipyard Alley\Working CAD\BUFFER MANAGEMENT PLAN FEB 2008\LB-2 BUFFER ZONE EXISTING VEGETATION & MITIGATION CALC.dwg



1 Existing Vegetation in Shrub Zone 2



2 Existing Vegetation in Buffer



3 Existing Vegetation in Shrub Zone 1



4 Existing Vegetation in Shrub Zone 1



5 Existing Vegetation in Buffer



6 Existing Vegetation in Buffer



7 Existing Vegetation Recently Planted Cypress



8 Existing Vegetation Recently Planted Cypress



9 Existing Tree



6 Existing tree



6 Existing Trees



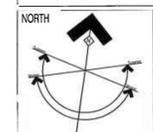
6 Existing Vegetation & Shoreline

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SHEET TITLE
BUFFER ZONE
PHOTOS

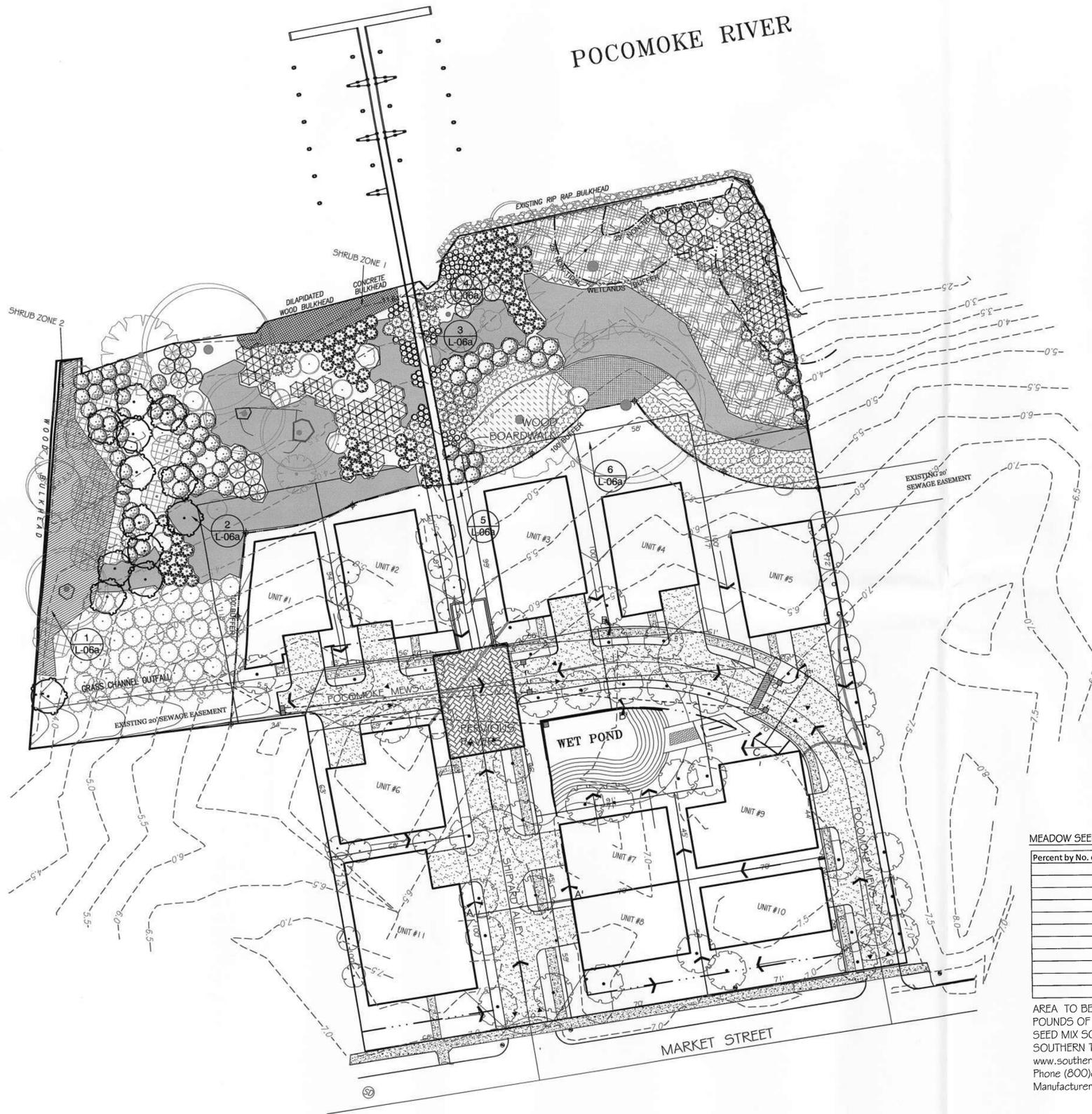
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CJL
APPROVED:
PROJ. #:
2403
SCALE:
N/A

LB-3

MARCH 2008

\\brainiac\PROJECTS\2403 Shipyard Alley\Working CAD\BUFFER MANAGEMENT PLAN FEB 2008\LB-3 BUFFER ZONE PHOTO & CALC.dwg

POCOMOKE RIVER



PLANTING SCHEDULE

TREES	CODE	QTY	BOTANICAL	COMMON	CONT	SIZE	SPACING
	NW	13	Nyssa aquatica	Water Tupelo	B & B	2" Cal	10' oc
SHRUBS	CODE	QTY	BOTANICAL	COMMON	CONT	SIZE	SPACING
	AR	80	Aronia arbutifolia	Red Chokeberry	Cont	18-24" Ht	6' oc
	CA	77	Ceanothus americanus	New Jersey Tea	Cont	18-24" Ht	3' oc
	RC	60	Rhododendron calendulaceum	Flame Azalea	B & B	18-24" Ht	6' oc
	VB	80	Vaccinium elliotii	southern highbush blueberry	Cont	18-24" Ht	8' oc
	VD	33	Viburnum dentatum 'Arrowwood'	Arrowwood Viburnum	Cont	18-24" Ht	8' oc
	VS	58	Viburnum nudum	Smooth Witherod	Cont	18-24" Ht	8' oc
SHRUB SEEDLING	CODE	QTY	BOTANICAL	COMMON	CONT	SIZE	SPACING
	AR3	183	Aronia arbutifolia	Red Chokeberry	4" POTS, 12" MIN.	@ 48" oc	
	RC2	23	Rhododendron calendulaceum	Flame Azalea	4" POTS, 12" MIN.	@ 48" oc	
	VH	83	Vaccinium corymbosum	Highbush Blueberry	4" POTS, 12" MIN.	@ 48" oc	
	VA	66	Viburnum dentatum	Arrowwood	4" POTS, 12" MIN.	@ 48" oc	
SUN MIX	CO	E	QTY	BOT NICA	CO	MON	CONT
				Asclepias incarnata	Swamp Milkweed	flat@36" oc	
				Asclepias tuberosa	Butterfly Weed	flat@36" oc	
				Chasmanthum latifolium	Northern Sea Oats	flat@36" oc	
				Eupatorium fistulosum	Joe Pye Weed	flat@36" oc	
				Monarda didyma	Scarlet Bee Balm	flat@36" oc	
				Schizachyrium scoparium	Little Bluestem Grass	flat@36" oc	
				Solidago nemoralis	Old Field Goldenrod	flat@36" oc	
				Sorghastrum nutans	Indian Grass	flat@36" oc	

DISTRIBUTE ALL SPECIES EVENLY BASED ON REQUIRED SPACING (682 @ 36" oc)

MEADOW SEED MIX BREAK DOWN

Percent by No. of Seeds	Scientific Name	Common Name
26.66%	Eupatorium perfoliatum	Boneset
20.80%	Verbena hastata	Blue Vervain
19.75%	Panicum dichotomiflorum	Smooth Panic-Grass
8.89%	Solidago rugosa	Wrinkled Goldenrod
8.74%	Eupatorium maculatum	Joe Pye Weed
6.65%	Euthamia graminifolia	Grass leaf Goldenrod
4.59%	Polygonum pensylvanicum	Pennsylvania Smartweed
2.80%	Aster novae-angliae	New England Aster
0.79%	Bidens cernua	Nodding Begger's Tick
0.21%	Asclepias incarnata	Swamp Milkweed
0.12%	Iris versicolor	Blue Flag

AREA TO BE SEEDED = 10,597 SQ. FT.
 POUNDS OF SEED NEEDED = 2 POUNDS
 SEED MIX SOURCE:
 SOUTHERN TIER CONSULTING
 www.southern-tierconsulting.com
 Phone (800)848-7614
 Manufacturers Code: STCMX-6 NORTHEAST WETLAND NATIVE WILDFLOWER

PROPOSED NEW PLANTING MITIGATION CALCULATIONS

Proposed	Large trees	Large shrubs	Small shrubs	Herbaceous	Total
	13	311	63	681	1058
	200	75	50	2	327
	2600	23325	3150	1362	62437

Legend

- EXISTING SHRUB ZONES (SEE EXISTING VEGETATION NARRATIVE)
- MEADOW MIX (SEE MEADOW MIX BREAK DOWN)
- SIGNAGE (INDICATING 100' BUFFER EDGE)

Scale: 1"=30'-0"



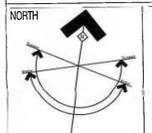
CRITICAL AREA BUFFER MANAGEMENT SITE PLAN
 SHIPYARD ALLEY
 SNOW HILL, MARYLAND

Issued	Date

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O'DOHERTY GROUP
 LANDSCAPE
 ARCHITECTURE

91 Cathedral Street, Annapolis, Md. 21401
 Tel 410.269.4101 or 866.500.4102



SHEET TITLE
 CRITICAL AREA
 BUFFER
 MANAGEMENT
 PLANTING PLAN

DRAWN:
 C/JL
 APPROVED:
 PROJ. #: LB-4
 2403
 SCALE:
 as shown

APRIL 2008



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor
C. Ronald Franks, Secretary

October 9, 2006

Mr. Saunders C. Hillier
210 W. Market Street
Snow Hill, MD 21863

RE: Environmental Review for Shipyard Alley LLC, Proposed Redevelopment for
Parcels along Pocomoke River and Market Street, Snow Hill, Worcester County,
Maryland.

Dear Mr. Hillier:

The Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. As a result, we have no specific comments or requirements pertaining to protection measures at this time. Please note however that the utilization of state funds, the need to obtain a state-authorized permit, or changes to the plan might warrant additional evaluations that could lead to protection or survey recommendations by the Wildlife and Heritage Service. Please contact us again for further coordination if this project falls into one of those categories.

We would also like to point out that our initial evaluation of this project should not be interpreted as meaning that it is not possible for rare, threatened or endangered species to be present. Certain species could be present without documentation because adequate surveys may not have been conducted in the past. Although we are not requiring any surveys, we would like to bring to your attention that Wildlife and Heritage Service's Natural Heritage database records do indicate that there is an occurrence of Wild Lupine (*Lupinus perennis*) and of Halberd-leaved Greenbrier (*Smilax pseudochina*), both state-listed threatened species, known to occur within the vicinity of the project site.

If the appropriate habitat is present for these species they could potentially occur on the project site itself. Since populations of these native plants have declined historically we would encourage efforts to help conserve them across the state. Feel free to contact us if you would like technical assistance regarding the conservation of these important species.

Towers State Office Building • 580 Taylor Avenue • Annapolis, Maryland 21401
410.260.80NR or toll free in Maryland 877.620.80NR • www.dnr.maryland.gov • TTY users call via Maryland Relay

Page 2

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,

Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER #2006.2195.wc
cc: S.A. Smith, DNR
L. Hoerger, CAC

Towers State Office Building • 580 Taylor Avenue • Annapolis, Maryland 21401
410.260.80NR or toll free in Maryland 877.620.80NR • www.dnr.maryland.gov • TTY users call via Maryland Relay



SPENCER ROWE, INC.
12430 Fleetway Drive
Ocean City, Maryland 21842
office: 410-213-0127 fax: 410-213-0884

Wetland delineation and permitting, a forestry, a complete site evaluation.

October 31, 2007

Sandy Hillier
210 W. Market Street
Snow Hill MD 21863

Re: Property of Shipyard Alley, LLC, 210 W. Market St., Snow Hill (Parcels 139, 140, 141, 142, plus Shipyard Alley and ROW)

Dear Sandy:

As you requested, I have evaluated the existing environmental conditions on the above-referenced properties for your use in applying for Growth Allocation under the regulations of the Chesapeake Bay Critical Area law.

Methodology:

We did extensive field work on the site within the last year as part of our wetland delineation and subsequent vegetation analysis for the buffer plan. Both the limit of tidal and non-tidal wetlands, along with our characterization of existing vegetation is shown on the Existing Conditions Plan by your engineer.

General Description of the Site:

These parcels have a long history of commercial and residential use, dating at least to the 19th century. Soils and vegetation have been manipulated by man, and there is very little natural habitat remaining.

Non-tidal wetlands:

There is a small area of non-tidal wetlands adjacent to the revetment along the northeast shoreline. These wetlands were delineated under Section F, Atypical Situations, of the 1987 USCOE Wetland Delineation Manual.

Tidal wetlands:

The site is bounded by old timber bulkheading or stone revetment and the tidal wetland line was located at the landward Mean High Water limit of these structures and as shown on the State's 1972 Tidal Wetland Maps.

Page 1 of 2

Soils:

Soil on this site are classified as Mado I and adjacent to the river. Soil borings and tree wells around some of the older trees indicate that this area was filled many decades ago. Closer to the road the soils are of course impacted by various structures, but in those areas still relatively undisturbed, sample borings indicate a non-hydric sandy loam (Type Quartzipsamment).

Vegetation:

There are quite a few old trees in the site, evidently saved as part of the general landscaping, and some are quite large with extensive root systems. These were identified and located by GPS and are shown on the Plan. The native trees provide benefits for water quality as their root systems intercept sub-surface nutrients. Because of their height, the largest trees provide some roosting habitat.

Some areas have more recent plantings and there are small unmanaged areas of natural vegetation pioneering along the shoreline.

Conclusion:

It is our opinion that any development of the site that establishes a buffer with native vegetation and incorporates modern techniques to mitigate storm water runoff will restore some of the ecological functions lost over the years.

Sincerely,

U.S. ARMY CORPS OF ENGINEERS WETLAND DELINEATION CERTIFICATION No. WDC07MD010000A

Page 2 of 2

A MARYLAND DEPARTMENT OF NATURAL RESOURCES, OCTOBER 9, 2006

B GROWTH ALLOCATION, OCTOBER 31, 2007

Ronald M. Wilson
3740 Ridge Road
Snow Hill, MD 21863
Phone: 410-632-3882
Fax: 410-632-0242
Email: rmwilson@comcast.net

Delmarva Botanical Surveys

November 4, 2007

Mr. Saunders C. Hillier
210 W. Market Street
Snow Hill, MD 21863

Dear Mr. Hillier:

This letter is in response to concerns of the Maryland DNR Wildlife and Heritage Service that Rare, Threatened, and Endangered (RTE) plant species could be present on your Shipyard Alley, LLC property in Snow Hill. In their environmental review dated October 9, 2006, two species were identified as having been found in the vicinity of the project site. These were the Wild Lupine (*Lupinus perennis*) and the Halberd-leaved Greenbrier (*Smilax pseudochina*).

To evaluate the possibility of these or any other RTE species being present on the site, a survey was performed on November 2, 2007 by Ron Wilson of Delmarva Botanical Surveys. Approximately 2 hours were spent looking at the site in general and specifically in the area of the shoreline. Several previous visits had also been made to the site in early May of 2007.

The Shipyard Alley, LLC parcels include three house lots along Market Street. The remainder of the site is adjacent to the Pocomoke River and would provide the only possible habitat for RTE species. Much of this remaining land was historically a swamp, but it has since been filled and cleared. The cleared uplands have been maintained as lawns and several Cypress (*Taxodium distichum*) and Loblolly Pine (*Pinus taeda*) have been planted in the ensuing years. At least 3 champion (DBH > 20 inches) Cypress trees that pre-date the filling are still present. Much of the shoreline has been bulkheaded or stabilized with rip-rap.

As might be expected, the composted fill material that is now covered with grass is poor habitat for any RTE species. Along the immediate shoreline, however, mowing has not been done recently. As a result, a small mostly alien species has developed in the area. The dominant plants here were the highly invasive Porcelain-berry (*Ampelopsis brevipedunculata*), Japanese Wisteria (*Wisteria floribunda*), and Sweet Autumn Clematis (*Clematis terniflora*). Other undesirable aliens found in this zone include Tree-of-Heaven (*Ailanthus altissima*), Black Nightshade (*Solanum nigrum*), Asiatic Dayflower (*Commelina communis*), and Ground Ivy (*Glechoma hederacea*). Views of this habitat zone can be seen in Photo 1 taken facing NW from Photo Point #1 (See Site Map).

* Page 2

November 4, 2007

A small portion of the Northeastern corner of the site was delineated as wetlands by Spencer Rowe. A thick cover of invasive species was found here as well, but in spite of this, a few hardy native plants managed to squeeze into this area. These included Jewelweed (*Impatiens capensis*), Silky Dogwood (*Cornus amomum*), Swamp Rose (*Rosa palustris*), and New York Aster (*Aster novae-belgii*). The heavy disturbance regime in this area, however, has left the habitat unsuitable for any but the hardiest of species. A view of the wetlands west can be seen in Photo 2 taken facing NE from Photo Point #2 (See Site Map). A view of the rip-rap along this shoreline can be seen in Photo 3 taken facing NE from Photo Point #3 (See Site Map). The remainder of the immediate shoreline area was too choked with invasives to have any possibility of RTE species.

To summarize, no RTE plant species were found on the site. There was absolutely no habitat available for the Wild Lupine, which requires dry, sandy, xeric conditions. Because of the filling and rip-rap along the shoreline, any habitat that might have existed for the Halberd-leaved Greenbrier is no longer present. An aggressive program should be undertaken to eradicate/control the serious invasive species mentioned above.

Sincerely,

Ronald M. Wilson
Field Botanist
Delmarva Botanical Surveys

Enclosures (4)

C DELMARVA BOTANICAL SURVEYS, NOVEMBER 4, 2007

C DELMARVA BOTANICAL SURVEYS, NOVEMBER 4, 2007
PHOTOS

CRITICAL AREA BUFFER MANAGEMENT SITE PLAN
SHIPYARD ALLEY
SNOW HILL, MARYLAND

Issued	Date

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LANDSCAPE
ARCHITECTURE
91 Cathedral Street, Annapolis, Md. 21401
Tel 410.289.4101 or 866.500.4102

NORTH

SHEET TITLE
SUPPORTING
DOCUMENTATION

DRAWN:
C.J.L.

APPROVED:

PROJ. #:
2403

SCALE:
N/A

MARCH 2008

LB-5

\\brainiac\PROJECTS\2403 Shipyard Alley\Working CAD\BUFFER MANAGEMENT PLAN FEB 2008\LB-5 SUPPORTING DOCUMENTATION.dwg

Long Term Buffer Management/Maintenance

1.0 Purpose
 The objective of this program is to demonstrate comprehensive environmental management guidelines and implementation procedures for the continued management/maintenance of the riparian buffer of the Shipyard Alley development. This program will include specific maintenance objectives relevant to the buffer management plan. This maintenance and management program will also outline the specific best management practices and management products required to complete the maintenance objectives. The implementation procedures will be conducted in order to meet the policies and/or mandates to the Critical Areas Commission (CAC). It will be the purpose of this environmental management program to provide the best management practices and recommended natural resource management products required to meet the following criteria:

1. Promote soil stabilization
2. Enhance water quality
3. Control exotic invasive and nuisance flora and fauna

2.0 Transitional Wetland Best Management/Maintenance Practices - 100' Critical Area Buffer

The buffer should be monitored on a regular basis in order to determine the presence of deficiencies requiring corrective action(s). Monitoring and observations should be applied to the following:

1. Open Water and Wetlands embankment(s) and soil stabilization
2. Riparian Buffers

The frequency of monitoring and corrective action(s), application(s) will be conducted during the growing season, March 1 through November 30. Field observation(s) will determine the deficiencies and the best management practice will be applied to correct the deficiency. This will be conducted in phases. The most detrimental deficiency, or combination of, will be targeted on the time of service.

2.1 River Embankments and Soil Stabilization - 100' Critical Area Buffer

A) The service provider(s) will observe the riparian buffers on a continuous basis. Deficiencies pertaining to the following will be identified and corrected:

- 2.1.A.1 Exotic invasive and/or nuisance vegetation growing in the buffer will be controlled with glyphosate applications until chlorosis takes place. The vegetation will be clear cut, removed and composted. Target species may include but are not limited to:
 - 2.1.A.2 Japanese Wistena (*Wistena floribunda*)
 - 2.1.A.3 Sweet Autumn Clematis (*Clematis terniflora*)
 - 2.1.A.4 Poison Ivy (*Toxicodendron radicans*)
 - 2.1.A.5 Porcelain Berry (*Ampelopsis brevipedunculata*)
 - 2.1.A.6 Multiflora rose (*Rosa multiflora*)
 - 2.1.A.7 Green Binar (*Smilax rotundifolia*)
 - 2.1.A.8 Others listed in "Plant Invaders or Mid-Atlantic Natural Areas."
- All native beneficial vegetation will be left intact.

2.2 River/Wetland Riparian Buffers

The scope of work will consist of Integrated Vegetation Management (IVM) practices. These IVM practices are specific and selective for the control/eradication of invasives and/or nuisance species. These species include, but are not limited to: Common reed (*Phragmites australis*), Multi-flora rose (*Rosa multiflora*), Tree of Heaven (*Ailanthus altissima*), Japanese Honeysuckle (*Lonicera japonica*), Poison ivy (*Toxicodendron radicans*), and Green binar (*Smilax rotundifolia*). Invasive and nuisance vegetation will be treated with Habitat (mazzapyr) and/or Rodeo (Glyphosate). Once chlorosis has taken place, the dead vegetation will be clear cut and composted.

2.3 Physical Controls

- A. Mowing helps control weeds by preventing seed production or by gradually depleting root reserves with repeated treatments. Continuous mowing when plant reserves are low gradually depletes root reserves and can be an important component in an IVM program. Meadow area shall be mowed a maximum of twice a year.
- B. Cutting is used primarily for woody plants. It minimizes soil disturbance and involves tools such as brush cutters, power saws, axes, machetes, hand pruning tools, loppers, and clippers. Smaller shrubs can be cut with power mowers, string cutters, machetes, scythes, or weed whips. To minimize resprouting, cut stems close to the ground under maximum drought conditions.
- C. All indigenous beneficial grasses, shrubs, and trees will be left intact. Pruning to the beneficial vegetation will take place.
- D. Indigenous beneficial grasses, shrubs, and trees that begin to re-colonize the vegetatively void areas, once occupied by invasive and nuisance species, will be selected for and allowed to re-colonize as beneficial pioneer species.
- E. Create and maintain a boundary strip between weed infested areas and non-invested areas. Boundaries can be effectively monitored and controlled to prevent the establishment of noxious weeds.
- F. This riparian buffer management plan will increase bio-diversity on the property, reduce negative environmental impact from nuisance species, assist in providing better water quality, and increase values for Wildlife Habitat. All work will be conducted in phases during the growing season and non-growing season.
- G. The purpose of this management/maintenance program is to ensure that the buffer is maintained in natural vegetation.

and non-growing season.
 G. The purpose of this management/maintenance program is to ensure that the buffer is maintained in natural vegetation.

2.4 Application Methods.

In IVM programs, spot treatment rather than broadcast applications over wide areas is the preferred herbicide application method. Spot-treatment consists of various techniques for applying herbicides to target weeds without impacting desirable vegetation or other non-target organisms. Broadcast herbicide applications are recommended only when necessary (e.g. where weed infestations are very dense and extensive, or when plant fuel must be dry prior to controlled burns). In a weed containment program, herbicides can be useful as a "border" spray to prevent infestations from 2.5 SEEDING MEADOWS

- A. Seed Certification: Certify grass seed blue tag, stating botanical and common name, percentage by weight and percentages of purity, germination and weed seed for each grass seed species. Comply with standards established by the Official Seed Analysts of North America. Submit seed vendor's certified statement for each grass seed required within five (5) days prior to application.
- B. Manufacturers' certification of fertilizer and herbicide composition.
- C. Soil Test: Topsoil shall be tested for pH, nitrogen, phosphorous, potassium, salts, and organic matter, by a recognized soil testing laboratory. Submit results to Landscape Architect a minimum of seven (7) days prior to installation.
- D. Environmental Requirements: Regular seeding season is March 1 to May 15 and August 1 to November 15. No seeding shall be done on frozen ground, or when the temperature is 32oF or lower or 90oF or higher.
- E. Water, if available at the jobsite at time of seeding, shall be provided by the Owner without cost to the Landscape Contractor. However, the Landscape Contractor shall provide conveyances such as water trucks, hoses, etc.

2.5.1 PLANTING ACCESSORIES

- A. Selective Herbicides: EPA registered and approved systemic glyphosate herbicide with a short half-life or equal. See 2.4 Application Methods.

2.5.2 MEADOWGRASS SITE PREPARATION REQUIREMENTS

- A. A licensed herbicide applicator shall apply herbicide as recommended by the Long Term Buffer Management Plan. Herbicide shall not be applied when vegetation is wet, when rain is predicted in the next 48 to 72 hours, or in windy conditions.
- B. Once chlorosis has taken place, mow the vegetation as short as possible (scalp).
- C. Aerate the soil in accordance with industry standards for soil preparation.
- D. Rake to break up large soil clods and create consistent and level surface.

2.5.3 HYDROSEEDING

- A. Mix specified seed, fertilizer, and fiber mulch in water, using equipment specifically designed for hydroseed application. Continue mixing until uniformly blended into homogeneous slurry suitable for hydraulic applications.
 - A.1. Mix slurry with nonasphaltic tackifier.
 - A.2. Apply slurry uniformly to all areas to be seeded in a one-step process. Apply slurry at a rate so that mulch component is deposited at not less than 1500-lb/acre dry weight, and seed component is deposited at not less than the specified seed-sowing rate.

moving into non-infested areas. However, herbicide applications will not take place from November 1 through March 1.

Warranty Requirements:

The Buffer tree and shrub plantings shown on the "prepared critical area buffer management site plan" shall be warranted for 90% survival rate for two full years from the date of completed installation against plant material death, unhealthy growth characteristics, insect infestation, and deer and rodent damage. Plant material shall be inspected after the first growing season and replaced as necessary. Replacement plant material shall be warranted for two full years from date of replacement.

Enforcement

This Buffer Management Plan, and the covenants, restrictions, declarations, and obligations contained herein, are for the benefit of, and shall be enforceable by individual lot owners at the Shipyard Alley Subdivision, the Shipyard Alley Homeowners Association, Inc., its successors and assigns, the Mayor and City Council of Snow Hill, and the State of Maryland Critical

Area Commission.

Upon acceptance of the deed for the individual lots in Shipyard Alley, the individual lots owner(s) agree to be bound by the terms, conditions, covenants and restrictions of the foregoing Buffer Management Plan. The jurisdiction or its duly authorized representatives shall have the right, at reasonable hours and with advanced notice, to enter the buffer for the sole purpose of inspecting the plantings to determine whether the applicant/owners are complying with the terms of this plan. No failure of the jurisdiction to enforce any covenant or provision hereof shall discharge or invalidate such covenant or any other covenant, condition, or provision hereof or affect the right of the jurisdiction to enforce the same in the event of a subsequent breach or default.

I hereby adopt this buffer management plan and agree to implement the requirement set forth herein. I hereby grant the jurisdiction officials permission to enter my property, subject to notice conditions herein, to inspect the buffer and buffer plantings for compliance with this plan.

Applicant _____ Date _____

This Buffer Management Plan is approved

CRITICAL AREA BUFFER MANAGEMENT SITE PLAN
SHIPYARD ALLEY
SNOW HILL, MARYLAND

Issued	Date

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**O'DOHERTY GROUP
 LANDSCAPE
 ARCHITECTURE**

91 Cathedral Street, Annapolis, Md. 21401
 Tel 410.269.4101 or 866.500.4102

NORTH

SHEET TITLE
**SUPPORTING
 DOCUMENTATION**

DRAWN:
 C.J.L.

APPROVED:

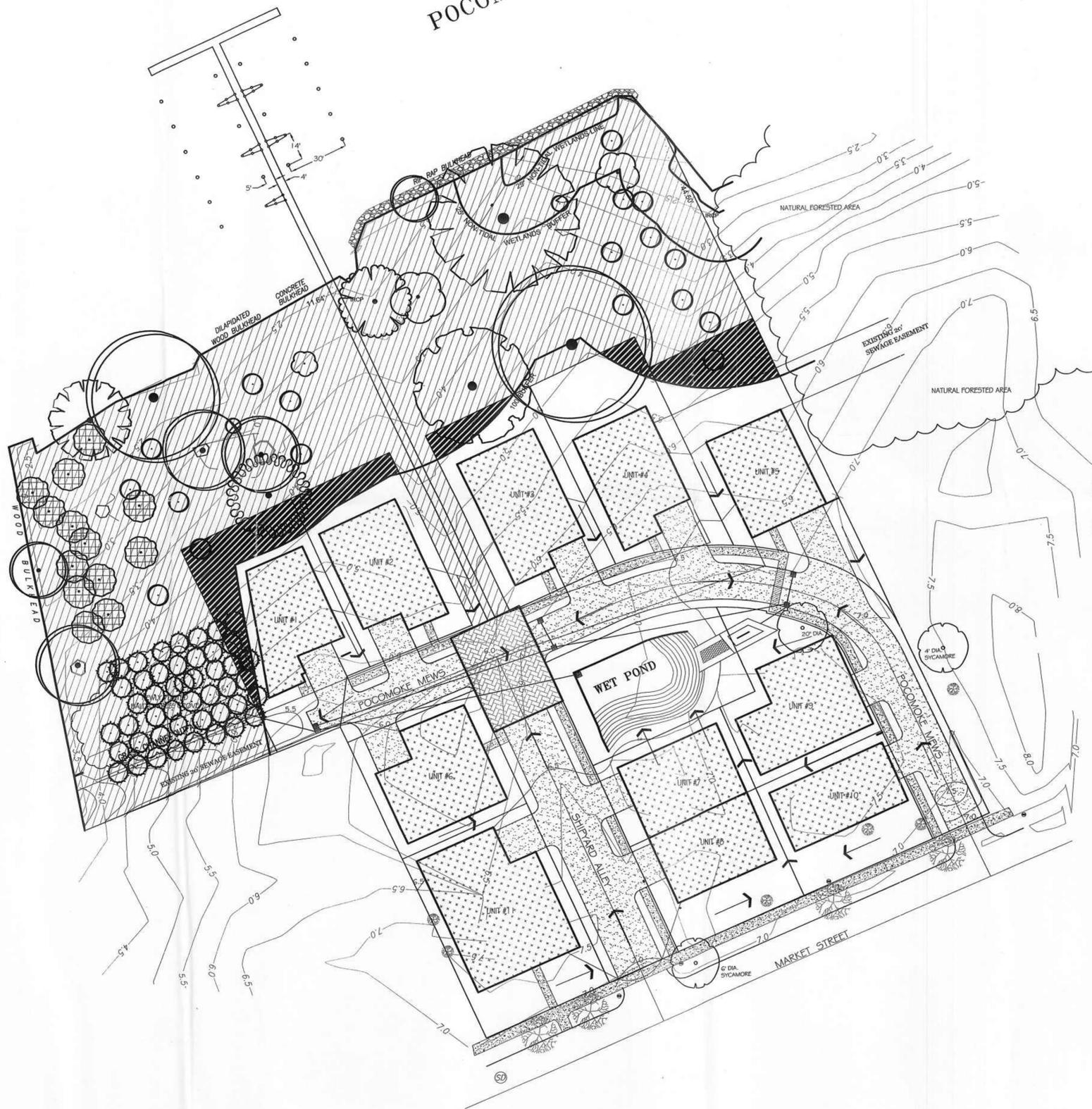
PROJ. #:
 2403
 SCALE:
 N/A

LB-6

APRIL 2008

POCOMOKE RIVER

POCOMOKE RIVER



- LEGEND:
- CONTIGUOUS OPEN SPACE
 - 100' BUFFER AREA
NO-BUILD ZONE
NO IMPERVIOUS AREA
 - SLIP NUMBER

NOTES

1. OWNER:
SHIPYARD ALLEY, LLC
#210 W. MARKET STREET.
SNOW HILL MD 21863
2. PREMISES ADDRESS:
212, 214 & 300 W. MARKET STREET
SNOW HILL MD 21863
3. TAX MAP 200 P. 139, 140, 141 & 142
4. DEED REF: SVH 337185, SVH 4200300
5. PLAT REF: 154/64
6. PRESENT ZONING: R-2
7. FLOOD ZONE 'A3' PER FIRM MAP PANEL 24008G 0001 B, DATED MAY 15, 1980
8. THE ENTIRE SITE IS WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
9. REFER TO EXISTING CONDITIONS SURVEY FOR LOCATION OF EXISTING STRUCTURES
10. ALL BUILDINGS, PORCHES, GARAGES, AND DECKS SHALL BE WITHIN THE PROPOSED BUILT AREA.
11. THE COMMUNITY PIER SHALL BE THE ONLY PIER.

CONTIGUOUS OPEN SPACE CALCULATIONS	
TOTAL OPEN SPACE	49,197 SQUARE FEET
CONTIGUOUS OPEN SPACE	49,197 SQUARE FEET
PERCENT OF TOTAL CONTIGUOUS	100%
<hr/>	
TOTAL PROPERTY	130,688 SQUARE FEET
TOTAL OPEN SPACE	49,197 SQUARE FEET
PERCENT OF OPEN SPACE	38%
<hr/>	
LINEAR FEET OF SHORELINE	610 FEET
(1 SLIP PER 50 FEET OF SHORELINE)	12.2 SLIPS ALLOWED
SLIPS IN PLAN	11 SLIPS PROPOSED
<hr/>	
TOTAL ACREAGE:	3 ACRE
TOTAL UNITS:	11 EACH
PROPOSED DENSITY:	3.67 UNITS PER ACRE

SHIPYARD ALLEY

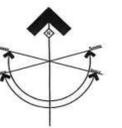
Snow Hill, Maryland

REVISIONS

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**O'DOHERTY GROUP
LANDSCAPE
ARCHITECTURE**

91 Cathedral Street, Annapolis, MD 21401
Tel 410.268.4101 or 866.500.4102



SHEET TITLE
CONTIGUOUS
OPEN SPACE, 100
FOOT BUFFER,
AND PROPOSED
LOTS

DRAWN:
CRH

APPROVED:
POD

PROJ. #:
2403
SCALE:
1"=30'-0"

L-03

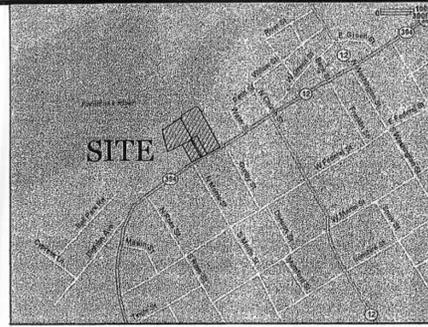
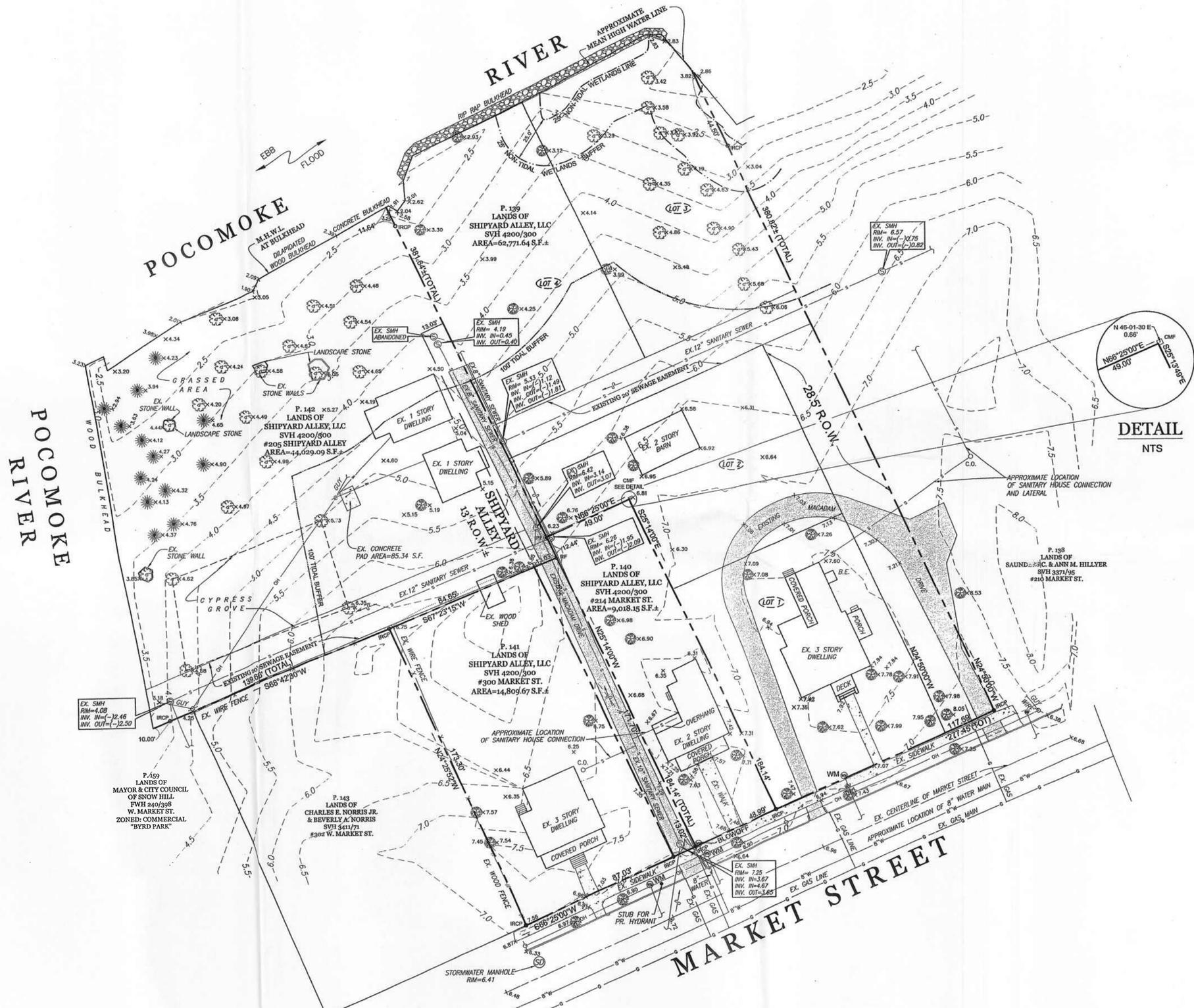
NOVEMBER 2007

RECEIVED

NOV 5 2007

CRITICAL AREA COMMISSION



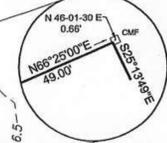


VICINITY MAP
NOT TO SCALE

NOTES

- OWNER:
SHIPYARD ALLEY, LLC
#210 W. MARKET ST.
SNOW HILL MD 21863
- PREMISES ADDRESS:
212, 214 & 300 W. MARKET STREET
SNOW HILL MD 21863
- TAX MAP 200 P. 139, 140, 141 & 142
- DEED REF: SVH 3371/95, SVH 4200/300
- PLAT REF: 154/64
- PRESENT ZONING: R-2
- FLOOD ZONE 'A3' PER FIRM MAP PANEL 240086 0001 B,
DATED MAY 15, 1980
- THE ENTIRE SITE IS WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

DETAIL
NTS



LEGEND

- IRCP ○ IRON ROD WITH CAP PLACED BY SOULÉ AND ASSOC., P.C.
- CMF □ CONCRETE MONUMENT FOUND
- IRF ⊙ IRON ROD FOUND
- RF • REBAR FOUND
- WM ⊙ WATER METER
- ⊙ SANITARY SEWER MANHOLE
- C.O. ○ SANITARY CLEANOUT
- UTILITY POLE
- ⊙ EXISTING TREES
- x6.90 EXISTING SPOT ELEVATION
- PROPERTY LINE
- - - EXISTING CONTOURS
- - - 100' TIDAL BUFFER
- - - 25' NON-TIDAL BUFFER
- - - NON-TIDAL WETLANDS LINE
- - - OVERHEAD ELECTRIC LINES
- ▨ EXISTING DRIVE
- ▨ EXISTING SIDEWALK

ENGINEERING / SURVEYING / PLANNING
SOULÉ & ASSOCIATES, P.C.
122 ARLINGTON ROAD
ARLINGTON BUSINESS CENTER
SALISBURY, MARYLAND 21801
(410) 742-7797

REVISIONS	Date	Issued for

MARYLAND

TOPOGRAPHIC SURVEY
FOR
SANDY HILLYER
212, 214 & 300 WEST MARKET STREET
SECOND ELECTION DISTRICT
WORCESTER COUNTY



Surveyed By: HP
Drawn By: MCS/KNE
Date: 9/22/05
Job No.: 05-038
Drawing File No.: 05-038TOPO.DWG
Sheet No.:

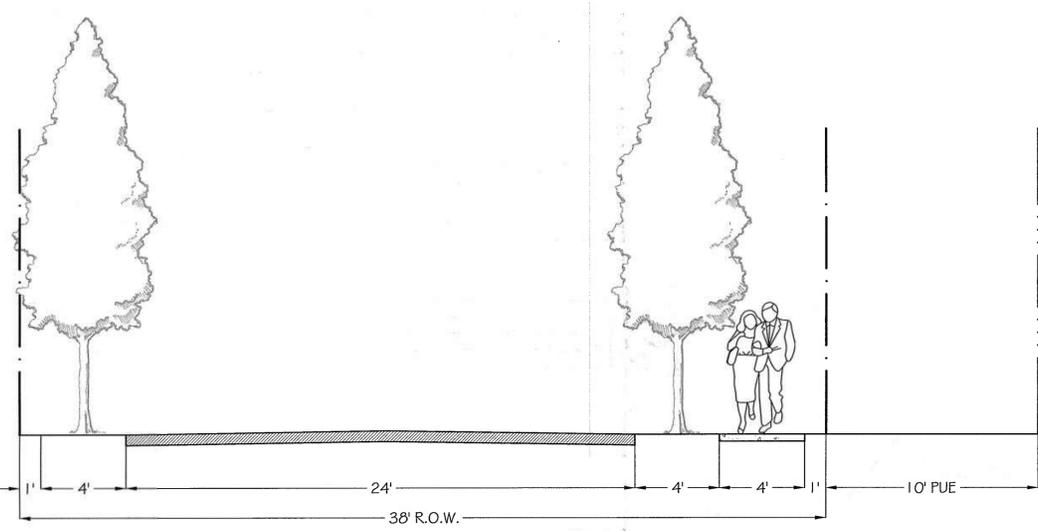
THIS IS TO CERTIFY THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE "MINIMUM STANDARDS OF PRACTICE" OF THE BOARD FOR PROFESSIONAL LAND SURVEYORS OF THE STATE OF MARYLAND
DATE: 7-12-06
SIGNED: [Signature]
470
REGISTRATION NUMBER

RECEIVED
NOV 5 2007
CRITICAL AREA COMMISSION

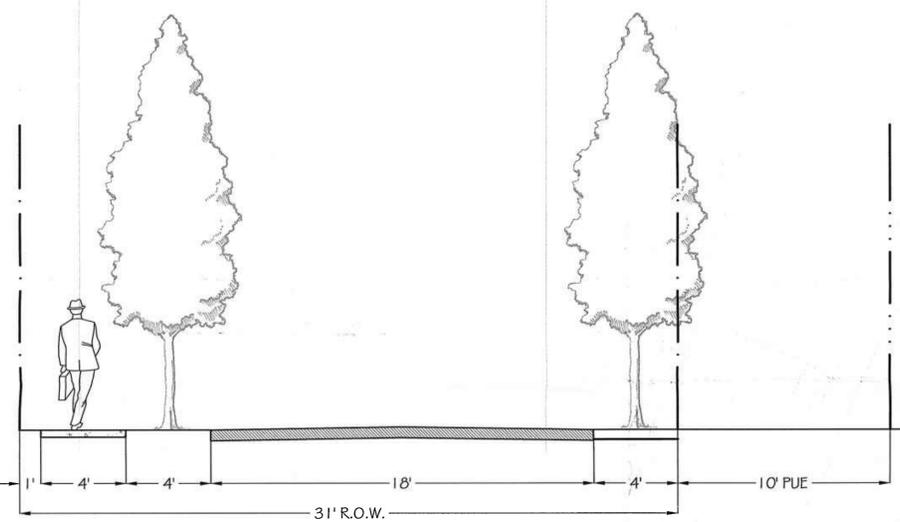


Date Plotted: 7/12/06

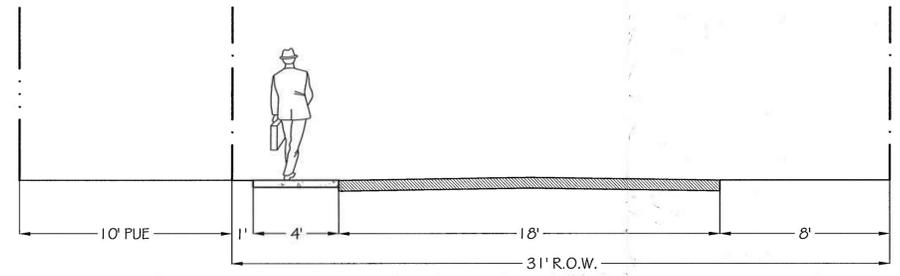
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SECTION A-A
SCALE: 1/4" = 1'-0"



SECTION B-B
SCALE: 1/4" = 1'-0"



SECTION C-C
SCALE: 1/4" = 1'-0"

CONTIGUOUS OPEN SPACE CALCULATIONS		
OPEN SPACE ft ²	TOTAL PROPERTY	%CONTIGUOUS OPEN SPACE
49,197 ft ²	130,689.25 ft ²	38%
1.13 acres	3 acres	...

PROPOSED LOT DIVISION SET BACKS				
Unit #	Side Yard Set Back	Side Yard Set Back	Front Yard Set Back	Rear Yard Set Back
1	East 5'	West 5'	18'	25'
2	East 8'	West 8'	10'	24'
3	East 8'	West 8'	11'	20'
4	East 10'	West 7'	5'	34'
5	East 7'	West 10'	5'	47'
6	North 5'	South 5'	8'	6'
7	North 6'	South 0'	10'	5'
8	East 8'	West 11'	22'	0'
9	East 3'	West 8'	0'	5'
10	East 3'	West 5'	22'	5'
11	East 6'	West 6'	22'-6"	4'

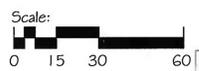
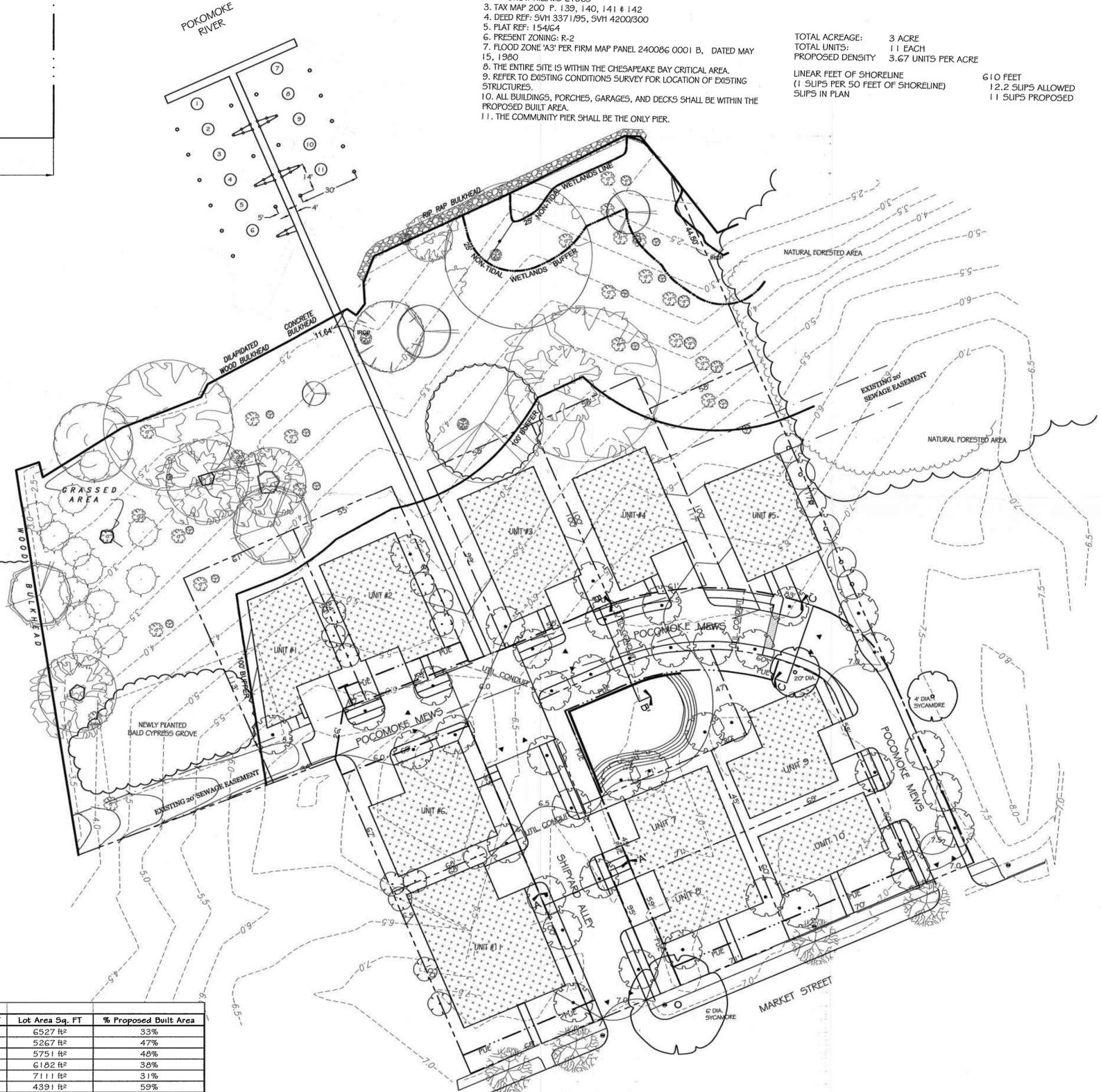
PROPOSED BUILT AREA PER LOT			
Unit #	Proposed Built Area Sq. FT	Lot Area Sq. FT	% Proposed Built Area
1	21,608 ft ²	6527 ft ²	33%
2	2452 ft ²	5267 ft ²	47%
3	2752 ft ²	5751 ft ²	48%
4	2328 ft ²	6182 ft ²	38%
5	2211 ft ²	7111 ft ²	31%
6	2596 ft ²	4391 ft ²	59%
7	1906 ft ²	3195 ft ²	60%
8	1798 ft ²	4189 ft ²	43%
9	2338 ft ²	4551 ft ²	51%
10	1892 ft ²	4200 ft ²	45%
11	3843 ft ²	6805 ft ²	56%

Legend: LIMIT OF BUILT AREA
 SLIP NUMBER

NOTES

- OWNER: SHIPYARD ALLEY, LLC
#210 W. MARKET STREET.
SNOW HILL MD 21863
- PREMISES ADDRESS: 212, 214 & 300 W. MARKET STREET
SNOW HILL MD 21863
- TAX MAP 200 P. 139, 140, 141 & 142
- DEED REF: SVH 3371/95, SVH 4200/300
- PLAT REF: 154/64
- PRESENT ZONING: R-2
- FLOOD ZONE 'A3' PER FIRM MAP PANEL 240086 0001 B, DATED MAY 15, 1980
- THE ENTIRE SITE IS WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- REFER TO EXISTING CONDITIONS SURVEY FOR LOCATION OF EXISTING STRUCTURES
- ALL BUILDINGS, PORCHES, GARAGES, AND DECKS SHALL BE WITHIN THE PROPOSED BUILT AREA.
- THE COMMUNITY PIER SHALL BE THE ONLY PIER.

TOTAL ACREAGE: 3 ACRE
TOTAL UNITS: 11 EACH
PROPOSED DENSITY: 3.67 UNITS PER ACRE
LINEAR FEET OF SHORELINE (11 SLIPS PER 50 FEET OF SHORELINE) SLIPS IN PLAN: 610 FEET
12.2 SLIPS ALLOWED
11 SLIPS PROPOSED



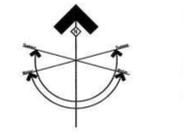
SHIPYARD ALLEY
Snow Hill, Maryland

REVISIONS

The above drawings and specifications and the ideas represented hereby are and shall remain the property of the Landscape Architect. No part thereof shall be copied or used in connection with any work or project or by any other person for any purpose other than for the specific project for which they have been prepared and developed without the written consent of the Landscape Architect.

O'DOHERTY GROUP LANDSCAPE ARCHITECTURE

91 Cathedral Street, Annapolis, MD 21401
Tel: 410.269.4101 or 866.500.4102



SHEET TITLE
BUILDING SETBACKS AND OPEN SPACE TABULATION

DRAWN: RD
APPROVED: POD
PROJ. #: 2004003
SCALE: 1" = 30'-0"

AUGUST 2007

L-02

9018

Snow Hill

6/13/13

Taylor Bank

Shipyard Alley Growth Allocation

Ray Thompson
Barry Harris
Joe Moore

5 parcel interest - ??

Harriet Ed.

$$\begin{array}{l} 34,500 \\ \cancel{50,000} \times 15\% = 5175 \square \\ \phantom{\cancel{50,000}} \times 15\% = \cancel{7500} \square \end{array}$$

Idea - Take front 3 lots + get revised GA \rightarrow IDA
Retain WF lots as LDA

D-2 - Wedding? if home occup & no change
in zon. 1-2 employees - Intensity -
options - up zoning or text amend.

✓ w/ Mary

- RS- it Res to RS w/ fewer lots, we could look @ 5D Plan + BMP
- Is 3D Plan approved? - No
- Call Rev, if needed
- Extended - went back to PC + CC Dec 2015
- 7 lots exist.

May 1, 2008

Karen Houtman
Town of Snow Hill
P.O. Box 348
Snow Hill, MD 21863

RE: Shipyard Alley Growth Allocation

Dear Ms. Houtman,

As you know the Critical Area Commission concurred with the Chair's decision to approve the Shipyard Alley request for growth allocation with the following condition of approval:

"The applicant shall submit a revised Buffer Management Plan to the Critical Area Commission staff for review and approval prior to final approval of the subdivision. The Buffer Management Plan shall include a maintenance agreement."

The applicant's consultant has submitted a Buffer Management Plan and maintenance agreement dated April 15, 2008 that satisfies the condition above. The Critical Area Commission office has no further concerns or comments regarding this project. If you have any questions or need further information, please contact me at (410) 260-3479.

Sincerely,

Marshall Johnson
Natural Resources Planner

- ① Karen SN Hill
Maints w/ Wedding Center
5 Lots.
- ② 2 remaining.

cc: Pearse O'Doherty, O'Doherty Group Landscape Architecture
Sandy Hillyer

Ed - PC + CC won't care; Ed: needs to go back PC + CC

RA - keep IDA + resid. + 5^{Ex} lots - 1

Ed - how does remaining 4 lots (from 6A) gets divided up.

Ed Substan complete needs to be re defined or take back GA

Karen to talk to Bank - Cont. Arch needs to explore GA + histor.

Barry Laws - Barle VP
Joe Moore - Barle Atty

Critical Area Commission

STAFF REPORT

December 5, 2007

APPLICANT: Town of Snow Hill

PROPOSAL: Shipyard Alley Growth Allocation Request

COMMISSION ACTION: Concurrence with the Chair's determination of refinement

STAFF RECOMMENDATION: Concurrence

STAFF: Marshall Johnson

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1808.1, 8-1809(p), and
COMAR 27.01.02.06

DISCUSSION:

The Town of Snow Hill is requesting three acres of growth allocation in order to permit the construction of residential buildings consisting of 11 dwelling units on the subject site. The site is an approximately three acre property located at the intersection of Market Street and Shipyard Alley in Snow Hill with approximately 360 feet of frontage on the Pocomoke River. The entire site is located in Worcester County, within the Limited Development Area (LDA). The property is partially located within the 100-foot Buffer. The majority of the river frontage has an existing bulkhead, and there is a small nontidal wetland within the Buffer on the site. Currently, the property is developed with existing dwellings and structures which would be removed. All new development would be outside of the Buffer.

Project Description

Approval of the growth allocation would result in changing the three acre site from LDA to IDA (Intensely Developed Area). Given the location of the property within a proposed IDA, the applicants must demonstrate compliance with the 10% pollutant reduction rule. The applicant has demonstrated compliance with the 10% pollutant reduction rule by use of an on-site stormwater management pond.

Growth Allocation Criteria and Guidelines

Natural Resources Article 8-1808.1(c) requires the Commission to ensure that the following guidelines have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area Law and Criteria:

1. *Locate a new IDA in a LDA or adjacent to an existing IDA. The proposed new IDA will be within an area designated LDA.*

2. *A new IDA shall be a minimum of 20 acres unless it is adjacent to an existing IDA or LDA or is a grandfathered commercial, industrial, or institutional use that existed as of the date of the local Critical Area program approval.* The proposed new IDA will be adjacent to an existing area designated LDA.
3. *Locate a new LDA or IDA in a manner that minimizes impacts to habitat protection areas as defined in COMAR 27.01.09 and in an area and manner that optimizes benefits to water quality.* This site is partially within the 100-foot Critical Area Buffer of the Pocomoke River. The applicant has provided a Buffer Management Plan proposing to plant the Buffer with native vegetation including mitigation for Buffer disturbance related to the project. There are areas proposed to be left unplanted in the Buffer because the applicant wishes to preserve multiple view corridors and suggests that planting beneath the large existing trees on site would be ill advised from a horticultural perspective. The applicant has stated that the planting plan will be revised as recommended by staff, in order to meet the requirements for a naturally vegetated Buffer. The DNR Wildlife and Heritage Division letter regarding the proposal stated that there are records of two State listed threatened plant species on the site. The applicant has submitted a report by Delmarva Botanical Surveys stating that after a site survey, no rare or threatened species were found on the site, and further there is no habitat available for the species named in the DNR letter. It should also be noted that development within the existing lot pattern would likely result in greater impact to the Buffer than the applicant's proposal to redevelop the site with all buildings clustered outside of the Critical Area Buffer, and using IDA standards for stormwater quality treatment. The applicant has demonstrated compliance with the 10% pollutant reduction rule by use of an on-site stormwater management pond.
4. *Locate new IDA or LDA in a RCA (Resource Conservation Area) at least 300 feet beyond the landward edge of tidal wetlands.* The proposal would create IDA within LDA; therefore this guideline does not apply.
5. *New IDA or LDA located in the RCA shall conform to all criteria of the Commission.* The proposal would create IDA within LDA; therefore, this guideline does not apply.
6. *Except in Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester, no more than one-half of the expansion allocated in the criteria of the Commission may be located in Resource Conservation Areas.* This guideline does not apply.

Similarly, the Code of Maryland Regulations provides the following additional instructions for growth allocation requests from local jurisdictions in COMAR 27.01.02.06, which include the following that are applicable to this project:

1. *The area of expansion of IDA or LDA, or both, may not exceed an area equal to five percent of the county's portion of the RCA lands that are not tidal wetland or federally owned.* This project involves use of three acres of growth allocation. Worcester County has approved the use of this amount of growth allocation by the Town of Snow Hill. The County has reported that there are currently 342.37 acres of growth allocation available. The three acres of growth allocation requested do not represent an expansion of IDA or LDA that would exceed five percent of the County RCA lands.
2. *New IDAs should be located where they minimize impacts to the defined land uses of the RCA.* The IDA designation allows intensification of residential use on a currently residentially developed property. No significant changes or impacts to the adjacent RCA are anticipated.

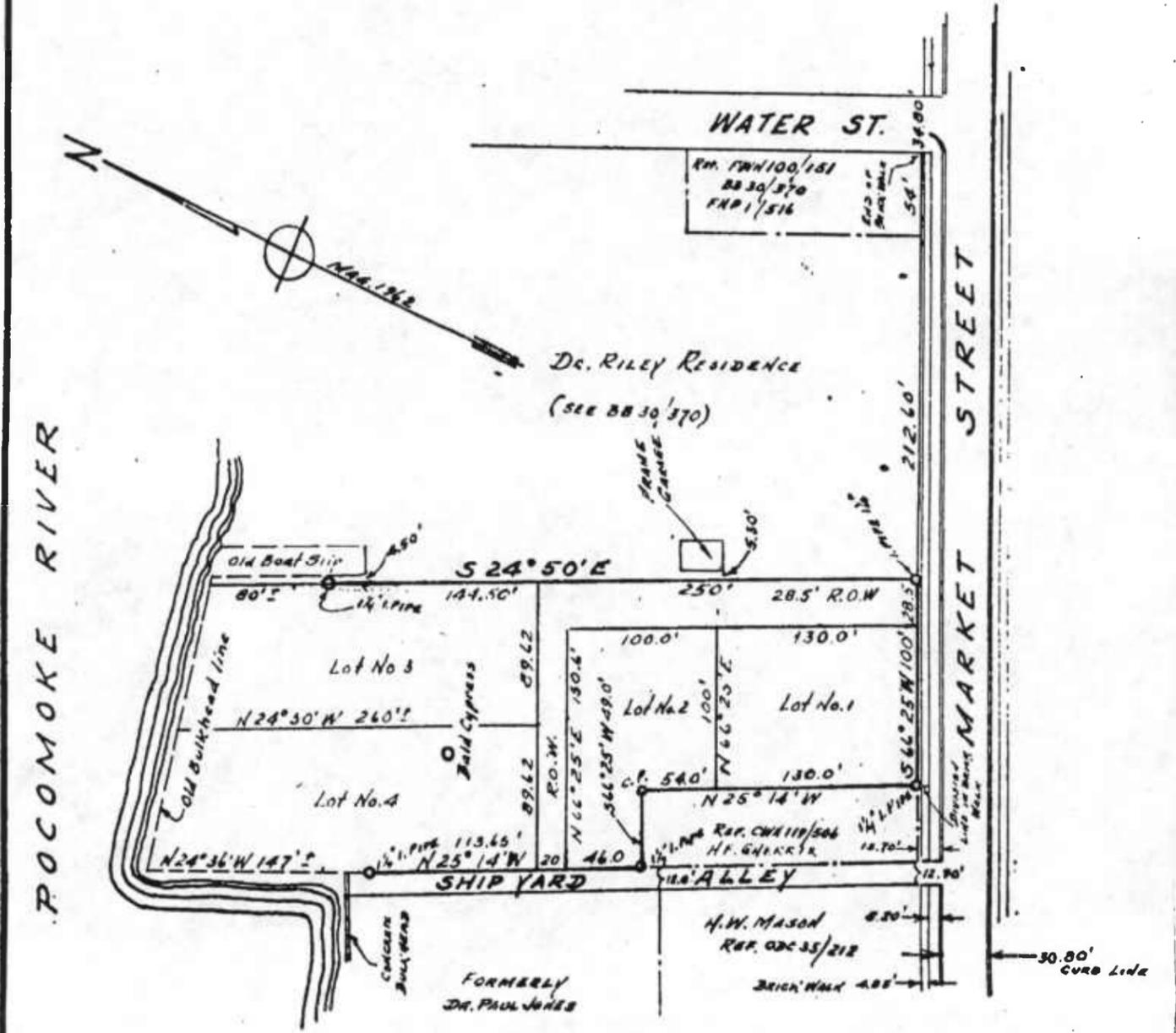
Town Action and Chair's Determination

On May 8, 2007 the Mayor and Council of Snow Hill recommended the award of three acres of Worcester County's Growth Allocation to the Shipyard Alley project to change the designation from LDA to IDA. On October 16, 2007 the Worcester County Commissioners granted the growth allocation as requested. The Chair has determined that the request can be handled as a refinement and is seeking your concurrence and recommendation.

Commission STAFF RECOMMENDATION:

The Staff recommends concurrence with the Chair's refinement determination to award growth allocation and amend the map to Intensely Developed Area (IDA) with the following condition:

1. The applicant shall submit a revised Buffer Management Plan to the Critical Area Commission staff for review and approval prior to final approval of the subdivision.



POCOMOKE RIVER

Being all of that land described in a deed recorded in Liber FWH136, Folio 298, Worcester County Land Records.

PLAT OF PROPERTY
 - SURVEYED FOR
 PAUL SCARBOROUGH

Survey 2-12-62 Scale 1" = 100'
 Election District No. 2
 Location: Snow Hill, Md.
 Revised 6-20-63.

G. OLIVER MORRELL
 REGISTERED LAND SURVEYOR

FILE NO. S-577



HOWARD BUTTON CO., N. Y.

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

November 8, 2007

Mr. Chris McCabe
Natural Resources Administrator
Worcester County Dept. of Dev. Review and Permitting
Government Center
One West Market Street, Room 1201
Snow Hill, Maryland 21863

Re: Growth Allocation Reward Request, Project Know as "Shipyard Alley"
Tax Map: 200, Parcels: 139 (1-4), 140, 141, 142

Dear Mr. McCabe:

Thank you for your lettering concerning the above-referenced growth allocation request. We have subsequently received this request from the Town of Snow Hill, and due to the fact that the approval of a growth allocation will affect the Town map and Town program, I have been advised that the formal request and our subsequent acceptance of the request must come from the Town of Snow Hill.

Thank you for providing us with the relevant information, including the updated growth allocation figures for the entire County. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

cc: Ms. Karen Houtman, Town of Snow Hill



**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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www.dnr.state.md.us/criticalarea/

April 9, 2007

Karen Houtman, Planner
P.O. Box 348
Snow Hill, MD 21863

RE: Shipyard Alley Growth Allocation, Snow Hill

Dear Ms. Houtman,

This letter from the Critical Area Commission staff is in response to a request from the Town of Snow Hill to revise and move forward with a growth allocation request previously submitted in 2005. The revised proposal includes changing the LDA designation to IDA for future development of 11 units outside of the 100-foot Critical Area Buffer. The Critical Area staff has the following comments.

1. A complete environmental features or environmental assessment map has not been received by the Commission for review. A "Building Setback and Open Space Tabulation" plan was included; however it does not show all of the necessary environmental features with respect to the site boundary and the proposed development envelope. The features that should be shown are further described below.
2. Soil types must be shown on the environmental features map in order to verify that all hydric soil areas have been identified and the relationship with nontidal wetlands can be evaluated. This information is necessary so that expansion of the 100-foot Buffer for hydric soils can be addressed.
3. Additional information about the presence of State and private tidal wetlands should be included in the environmental report, and explained on the environmental features map. State tidal wetlands should not be included within the boundaries of any privately owned lot or parcel and cannot be used for calculations or to meet the performance standards for development within the Critical Area. If portions of the project site have been determined to be private tidal wetlands, documentation regarding how this determination was made must be submitted, so that the Maryland Department of the Environment and the Board of Public Works can verify the methodology used. It is possible that they may want to verify the delineation and supporting information in the field, so appropriate detail should be provided. The area of State and private tidal

wetlands affects all of the calculations based on the area of the property, including those relating to growth allocation, stormwater management, and the area of the 100-foot Buffer; therefore, this information is necessary to properly review the project.

4. The growth allocation request is to convert LDA to IDA. The IDA classification does not include specific afforestation or reforestation standards. However, permeable areas in the IDA shall be established in vegetation if practicable, and development activities shall be designed and implemented to minimize destruction of forest and woodland vegetation. Additional information should be provided regarding any proposed clearing of existing forest cover and proposed reforestation and afforestation of the project site.
5. The applicant has not provided adequate information addressing stormwater management plans. Additional information is needed to ensure compliance with the 10% pollutant reduction requirement for the intended development of the site. Preliminary information regarding stormwater management will be required prior to the Commission's consideration of the growth allocation request. Best management practice (BMP) stormwater features used to meet the 10% pollutant reduction requirement may not be located within the 100-foot Buffer.
6. Portions of the five residential lots shown on the submitted plan are located within the 100-foot Buffer. It is not clear if any decks or porches will extend into the 100-foot Buffer. Because most of the lots are relatively small, and the site is to be intensely developed, it is likely that the Commission will have significant concerns about any structure or disturbance in the Buffer, or the Buffer being used as a rear yard on these lots. It is strongly recommended that the lot pattern be reconfigured to avoid lots located within the Buffer.
7. A Buffer Management Plan for the 100-foot Buffer from tidal wetlands, tidal waters, and tributary streams will need to be prepared and submitted for this project in accordance with the provisions in the Critical Area law that require establishment of the 100-foot Buffer. A conceptual Buffer management plan should be submitted with the growth allocation application.
8. It is not clear from the information submitted if the proposed growth allocation request has met all of the requirements for the use of growth allocation, including those relating to adjacency to other IDA, the 300-foot setback, and the parcel history. Additional information about conformance with the Town's growth allocation provisions is needed. As you are aware, the locational guidelines relating to growth allocations were clarified in 2006 by the General Assembly. When a jurisdiction submits a request for the Commission to review and approve the use of growth allocation, the request shall state how the local government has applied the locational guidelines as set forth in Chapter 55 of the 2006 Laws of Maryland. The Commission shall ensure that these guidelines have been applied in a manner that is consistent with the purpose, policies, goals and provisions of the Critical Area Law and all Criteria of the Commission.

Karen Houtman
April 9, 2007
Page 3

9. Subdivision history of the parcels/lots should be submitted to clarify whether this configuration existed at the time the Critical Area legislation was adopted. This information is necessary to determine if proposed growth allocation acreage is accurate.
10. It is not clear if there is an existing pier on the property. The proposed community pier must comply with the slip limits set forth on COMAR 27.01.03.07.B. It appears that the pier would be limited to one slip for each 50 feet of shoreline. Please clarify how many slips are proposed.

The preceding comments represent the review and evaluation by Commission staff of the submitted concept plan. I look forward to working with you and to address these comments as the project progresses through the local approval process. As you know, the Critical Area Commission must review and approve all requests for map amendments involving the use of growth allocation. During the Commission's formal review, they may request additional information or have additional concerns. Thank you for the opportunity to provide comments on this proposal at this stage in the design. Please contact me if you have any questions at (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: SN 140-07

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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www.dnr.state.md.us/criticalarea/

April 12, 2005

Mr. Saunders C. Hillyer
210 West Market Street
Snow Hill, MD 21863

RE: Shipyard Alley, Snow Hill

Dear Mr. Hillyer:

This letter is in response to the numerous questions raised regarding the proposed development of a number of existing parcels within the Town of Snow Hill. Commission staff met and reviewed the information provided to date and discussed possible future courses of action. Below is a summary of those discussions:

1. The staff has no specific concerns related to the request for growth allocation. It appears that the LDA impervious surface limitations may be a problem if the desire is to develop the site with 13 to 16 dwellings. If the site received growth allocation, the 10% pollutant reduction requirement will have to be addressed.
2. Regardless of the issue of growth allocation, the site is subject to all requirements for Habitat Protection Areas and Water-dependent facilities including the 100-foot Buffer.
3. Any development within the Buffer will require a variance. This is the case whether the property is developed as individual grandfathered parcels or as one parcel. The variance standards within the Critical Area must be met in order for a variance to be granted. The Critical Area Law was amended in 2004 to further clarify and strengthen the variance standards. The amendments also defined "unwarranted hardship" (which is one of the standards) to mean that, "without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested."
4. Neither the Town's Program nor the Critical Area Criteria have any provisions for "trading of development rights" within the Buffer. As indicated above, there is no inherent right to develop within the Buffer, even on grandfathered lots. While we

Mr. Saunders C. Hillyer
April 12, 2005
Page 2 of 2

acknowledge that there are portions of three grandfathered parcels within the Buffer, it is impossible to speculate how much disturbance would occur in the Buffer if these lots were developed, as this would largely depend on a decision of the Board of Appeals.

5. It seems that the length of the review process is of particular concern due to the potential sewer allocation limitations. If growth allocation is pursued and is approved by both the Town and Worcester County, the request would be submitted to the Critical Area Commission for their review. The process for Commission review can take anywhere between 30 and 90 days, depending on the project and any unusual issues that may arise. Proposing development within the Buffer on a project involving growth allocation would likely cause concern with the Commission.
6. The variance process would involve preparation of detailed plans for the proposed development activities within the Buffer. The plans and supporting documentation would be submitted to the Town and the Town would forward a copy of the information to the Commission office for review and comment. After notice in a local newspaper, a hearing would be held. Once the Board issued a decision, there is a 30-day period in which the decision could be appealed. The decision to appeal is made by the Chairman of the Commission, with input from staff and our counsel.
7. Based on the information we have to date, it seems that the most timely alternative would be to abandon plans to develop within the Buffer, apply for growth allocation to redesignate the area to IDA, erase the lot lines and develop a site plan under a condominium regime.

I hope this letter answers some of your questions regarding the development of this property. Please contact me if you have questions or concerns.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: Kay Stroud, Town of Snow Hill
Tracey Gordy, Maryland Department of Planning

SAUNDERS C. HILLYER

November 30, 2007

Marshall Johnson
Natural Resources Planner
Critical Area Commission
1804 West S., Suite 100
Annapolis, MD 21401

Re. Shipyard Alley, Snow Hill, MD

Dear Marshall:

Thank you for copying me on the email letter you sent two days ago to Jenny Smeltzer with the O'Doherty Group. I asked Ron Wilson with Delmarva Botanical Surveys to review your recommendations for the Shipyard Alley site and am enclosing his written statement. As you will see from his comments, it appears that the species of plants you propose are not suitable for an upland site such as Shipyard Alley. Ron also addresses the very important challenge of protecting the vegetated buffer area from being dominated by the invasive species that are firmly established on the site.

Under these circumstances we lack adequate guidance for revising the most recent buffer management plan submitted to you by the O'Doherty Group. Accordingly, please consider that plan to be re-submitted for consideration by the state Critical Area Commission at its December 5 meeting.

Sincerely,

Sandy Hillyer

cc: Karen Houtman
Pearse O'Doherty
Hugh Cropper





Ronald M. Wilson
3740 Ridge Road
Snow Hill, MD 21863
Phone: 410-632-3892
FAX: 410-632-0292
Email: rmwilson@comcast.net

Delmarva Botanical Surveys

November 29, 2007

Mr. Saunders C. Hillyer
210 W. Market Street
Snow Hill, MD 21863

Dear Mr. Hillyer:

This letter is in response to comments made by Marshall Johnson (Natural Resources Planner, Critical Area Commission), regarding the proposed Buffer Zone Management Planting Plan for the Shipyard Alley development in Snow Hill, Maryland. In an email to Jenny Smeltzer of the O'Doherty Group Landscape Architecture firm dated November 28, 2007, Mr. Johnson made three points that I wish to comment on here.

Point 1 – “It has been proposed that the spaces under the large trees would not be planted; however, we believe that there should be a shrub (and herbaceous) layer under the large cypress tree(s) on the site containing some of the species listed below.”

Response: I have no problem with the intent of this statement, but I do caution that care should be taken when planting the shrub species, so as not to damage root structures of existing cypress trees.

Point 2 – “No areas of existing lawn will be permitted to remain anywhere in the Buffer – meaning the entire Buffer area where grass is currently growing must be replaced with trees and shrubs and/or mulch/herbaceous.”

Response: While I understand Mr. Johnson's goal to make the buffer zone “natural” again, I fear this recommendation is not practical. Due to clearing and filling done on this site many years ago, the soils are highly disturbed. Because of this, several highly invasive species such as Japanese Wisteria (*Wisteria floribunda*), Porcelain-berry (*Ampelopsis brevipedunculata*), and Sweet Autumn Clematis (*Clematis terniflora*) have become firmly established on this site. This was documented in my Rare, Threatened, and Endangered Plants Report Letter to you, dated November 4, 2007.

If mowing is stopped, I have no doubt that the populations of the three invasive species mentioned above will explode and take over most, if not all of the buffer area in a few short years. The ability of these species to spread rapidly has already been demonstrated this year in a narrow strip of grass that was not mowed along the eastern boundary of the site (See RTE Report Letter). In just a few months this summer, the invasives had expanded rapidly and were growing up and over nearby trees that had been planted. In Photo 1, notice the small cypress tree in the right foreground of the photo that is being smothered by Porcelain-berry Vine.

My recommendation is to continue mowing around the newly-planted shrubs and existing trees. The alternative would be extensive use of herbicides to control the inevitable advance of the invasive species already on site. In my opinion, this option is far less desirable than mowing!

Point 3 – “Bald cypress swamps in this area naturally occur with shrub layers that are exceptionally diverse and usually contains winterberry (*Ilex verticillata*), swamp azalea (*Rhododendron viscosum*), sweet pepperbush (*Clethra alnifolia*), and Northern arrow-wood (*Viburnum recognitum*).

Herbaceous plant diversity in swamps is generally high based on several environmental factors including: hummock-and-hollow microtopography, species recruitment from adjacent habitats, and the frequency and duration of flooding. Regularly flooded hollows typically support flood-tolerant swamp species such as jewelweed (*Impatiens capensis*), arrow-aram (*Peltandra virginica*), halberd-leaf tearthumb (*Polygonum arifolium*), blue flag (*Iris versicolor*) and Lizard’s-tail (*Saururus cernuus*). Hummocks, which are slightly elevated, provide habitat for less flood tolerant species such as Jack-and-the-pulpit (*Arisaema triphyllum*), marsh blue violet (*Viola cucullata*), wood reedgrass (*Cinna arundinacea*), water hemlock (*Cicuta maculata*), false nettle (*Boehmeria cylindrica*), weak stellate sedge (*Carex seorsa*), brome-like sedge (*Carex bromoides*), tussock sedge (*Carex stricta*) and ferns such as royal fern (*Osmunda regalis* var. *spectabilis*), cinnamon fern (*Osmunda cinnamomea*), netted chain fern (*Woodwardia areolata*) and marsh fern (*Thelypteris palustris*).”

Response: The species, both woody and herbaceous, that Mr. Johnson suggested above are right on target for a swamp in the Pocomoke River Watershed. The problem is that the grassy areas on Shipyard Alley that are within the 100' CA buffer were cleared and filled with at least 2 feet of fill dirt many years ago. 99% of the 100' CA buffer area is now uplands and would probably not support any of the herbaceous species he mentioned. Of the shrubs listed, the Sweet Pepperbush and Northern Arrow-wood would have the best chances to survive.

November 29, 2007

Apparently, Mr. Johnson did not realize that the area is almost all uplands now. Short of getting a bulldozer in there to remove the fill material, the 100' buffer area is not likely to revert back to wetlands hydrology again on its own. I think you should be leaning towards species that are more upland in nature, with wetlands indicator statuses of Facultative (FAC) or drier.

Sincerely,

A handwritten signature in cursive script that reads "Ronald M. Wilson".

Ronald M. Wilson
Field Botanist
Delmarva Botanical Surveys

Enclosure

PHOTO 1



SAUNDERS C. HILLYER

November 5, 2007

Mary Owens
State of Maryland Critical Area Commission
1804 West St.
Annapolis, MD 21401

Dear Mary:

Thank you for your recent guidance on the Conceptual Buffer Management Plan for the Shipyard Alley project. Last Friday Karen Houtman submitted the Town of Snow Hill's request for approval of growth allocation to the state Critical Area Commission.

I have been working with Pearse O'Doherty on many aspects of this project. We have done our best to propose a Conceptual Buffer Management Plan that meets state Critical Area criteria. However, in the event that you or members of your staff have concerns about this plan, I would appreciate the opportunity for Pearse and me to meet with you to talk them over. If at all possible, I would like for the town's request for approval of growth allocation to be ready for review by a committee of the state Commission at its meeting in early December.

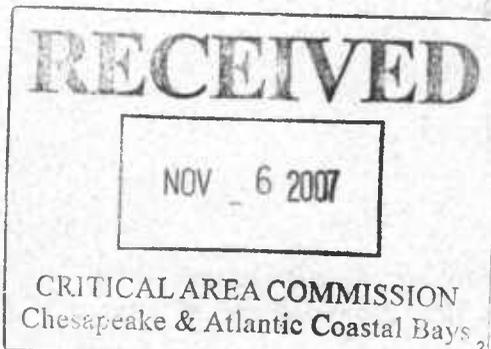
Please give me a call if you think it would be constructive for Pearse and me to talk with you about any aspect of the proposed project.

Sincerely,

Sandy Hillyer

cc: Karen Houtman
Pearse O'Doherty

*P.S. The next couple of weeks would
be a good time for a site visit -
while there are still a few leaves on
the trees. JH*



210 W. MARKET STREET • SNOW HILL, MD • 21863
PHONE: 410-703-1717 • E-MAIL: SHILLYER@AOL.COM

SAUNDERS C. HILLYER

April 11, 2005

Tracey Green Gordy
Maryland Department of Planning
Lower Eastern Shore Regional Office
201 Baptist Street
Salisbury, MD 21801

Re. 212, 214, and 300 W. Market Street, Snow Hill

Dear Ms. Gordy,

Pursuant to our recent conversations I am enclosing two copies of a base map, or site plan, that reflects existing conditions for the several properties my wife and I purchased in Snow Hill last July. We formed Shipyard Alley LLC to develop these properties, which are adjacent to our house on two and a half acres at 210 W. Market Street.

The purpose of this letter is to explore the feasibility of trading the right to build on two grandfathered parcels in the 100 foot Critical Area buffer along the main stem of the Pocomoke River for permission to build two residences that would encroach on the Critical Area buffer along the side channel separating the Shipyard Alley properties (Shipyard Alley) from Byrd Park. The circumstances and rationale for this concept are discussed below.

Physical features

- Shipyard Alley is comprised of seven parcels.
 - Three parcels are developed with residences facing Market Street. These are referred to on the survey as Lot No. 1 (212 W. Market Street), the Edward C. Patterson parcel (214 W. Market Street) and Parcel No. B (300 W. Market Street). All three houses are included in the town's historic district.
 - Three Parcels have waterfront on the main stem of the Pocomoke River. Two of these -- Lot No. 3 and Lot No. 4 -- are undeveloped. The third, Parcel No. A, is occupied by two vacant duplexes, one of which intrudes into the 100 foot Critical Area buffer along the main stem of the river. And,
 - One interior parcel -- Lot No. 2 -- does not front directly on either Market St. or the river.
- A 20 foot wide sewer easement crosses Shipyard Alley, on which the town maintains a buried sewer line that is in active use. Although this easement is a no-build zone, it can be used to provide road access to residences.

- The town owns the Shipyard Alley right-of-way, which runs between the Patterson house and Parcel No. B and provides access from Market Street to the interior of the site.

Development in the Critical Area buffer

Lot number 3 and lot number 4 are located substantially in the 100 foot Critical Area buffer along the main stem of the Pocomoke River. Both are bounded on the south by the town's sewer easement. It is not feasible to squeeze a single family residence on either of these lots between the sewer easement and the inland boundary of the Critical Area buffer. Since these lots were created in the early 1960s, each of them carries a grandfathered right to build a single family residence using whatever amount of land in the buffer needed for this purpose.

My wife and I want to avoid building on these lots even though their value at the time of purchase clearly reflected their potential for waterfront development. We are actively exploring alternative scenarios that would avoid building on these two parcels in the buffer along the main stem of the river, while allowing us to recoup our investment from development elsewhere on the site.

We envision a cluster of residences – probably a mix of attached houses and single family detached -- across the middle of the properties. This cluster, which would require re-subdivision, would extend across the width of Shipyard Alley from our residence at 210 Market Street to the channel of water on the west. On a north-south axis it would fall between the three houses facing Market Street and the hundred foot buffer along the main stem of the river. For this approach to work economically we would need to build two residences on what is now Parcel number A that would encroach on the Critical Area buffer along the channel of water separating Shipyard Alley from Byrd Park.

We believe that the proposed trade would, on balance, significantly further achievement of the Critical Area criteria's most fundamental policies related to buffer protection and management. By not building on lots 3 and 4, we would be able to:

- Maintain 640 feet of continuous buffer along Shipyard Alley's Pocomoke River shoreline. This buffer would tie in with the 275 feet of riverfront buffer on our property at 210 Market Street, creating a 915 foot long, continuous corridor.
- Protect several outstanding trees, including a several hundred year old cypress and an immense curly willow. It would also allow us to protect a cypress plantation made by the previous owner on lot number 3, the trees of which appear to be spaced at viable distances.
- Reduce impervious surfaces by clustering development closer to Market Street, thereby shortening the length of access roads.

The residences we propose to build in the buffer along the side channel on the western flank on Parcel No. A would require removal of trees planted several years ago by the previous owner. However, the impact of removing these trees on water quality and habitat would be minimal, since it appears most likely that these trees would die before reaching maturity anyway. Unlike the cypress plantation on Lot number 3, the trees in the plantation along the

side channel were planted too close together to survive. The previous owner was supposed to have thinned them several years ago, but failed to do so. Since these trees are now five to eight feet tall and since their roots may already be intertwined, it is highly uncertain that they would survive an attempted transplant, and the cost of transplanting trees of this size may be prohibitive even if it is technically feasible.

Under these circumstances I believe that the most constructive course for us to follow would be to work with staff for the Critical Area Commission and the Town of Snow Hill to develop a successful buffer management plan for the Shipyard Alley buffer area along the Pocomoke River that would tie in with the buffer management plan we are developing for our residence at 210 W. Market Street. These buffer management plans would emphasize use of indigenous species of groundcover, shrubs and trees.

In closing, it is important to bear in mind the consistency of our development concept with major elements of the Town of Snow Hill's comprehensive plan, zoning and strategic development plan and with the precepts of the State of Maryland's Smart Growth commitment.

- Shipyard Alley is zoned R-2 (six units per acre).
- It is on public water and sewer.
- It is located in the center of town within easy walking distance of the Worcester County courthouse and shops and restaurants.
- It is the town's policy to promote residential development in the center of town. And,
- It is the town's policy to encourage restoration of residences with historic value in its historic district.

Our concept for developing Shipyard Alley is intended to be a financially feasible way to avoid building residences immediately on the banks of the Pocomoke River, even though we have the right to do so, and to restore historic residences facing Market Street. Our objective is to build a project that achieves core values of both state and local policy and, coincidentally, demonstrates the compatibility of the state's Critical Area criteria with its smart growth policies to promote infill development on public water and sewer in established communities.

We are now in the process of preparing a site plan and other documentation to support an application to the Town of Snow Hill to re-subdivide Shipyard Alley. At this time I wanted to give the Critical Area Commission staff a heads-up on the direction our plans are taking and to request the state commission staff to give us a preliminary reading on the consistency of the concepts discussed in this letter with the Critical Area criteria, especially the criteria governing buffer protection and management.

April 11, 2005

I look forward to hearing from you soon. Please give me a call at any time to discuss questions or concerns. Thank you.

Sincerely,

Saunders C. Hillyer

cc: Kay Stroud

SAUNDERS C. HILLYER

January 11, 2005

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Maryland Department of Planning
Lower Eastern Shore Regional Office
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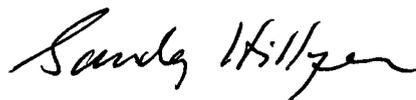
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January 11, 2005

I look forward to hearing from you soon. Please give me a call at any time to discuss questions or concerns. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Sanders C. Hillyer".

Saunders C. Hillyer

cc: Kay Stroud

**PROJECT SUMMARY
FOR
SHIPYARD ALLEY, LLC**

A 3-acre urban infill cluster project on public water and sewer in the Town of Snow Hill

REQUESTED ACTION

The Town of Snow Hill requests the State Chesapeake Bay Critical Area Commission to approve Worcester County's allocation of 3 acres of growth allocation to reclassify the Shipyard Alley site from Limited Development Area to Intensely Developed Area.

**HISTORY OF ACTIONS TAKEN TO DATE ON THE REQUEST FOR GROWTH
ALLOCATION**

Town of Snow Hill Planning Commission recommended use of growth allocation to reclassify site, April 12, 2005 (unanimous)

Snow Hill Town Council recommended reclassification, May 8, 2007 (unanimous)

Worcester County Planning Commission recommended reclassification, September 6, 2007 (unanimous)

Worcester County Board of County Commissioners approved use of growth allocation, October 16, 2007 (unanimous)

PROPOSED PROJECT

Existing condition:

Shipyard Alley is now comprised of seven parcels, including three with substantial waterfront on the Pocomoke River. Two of the three existing waterfront parcels (Lot 3 and Lot 4, Parcel 139) are undeveloped with grandfathered rights to build one residence on each in the Critical Area 100' tidal buffer area. The third (Parcel 142) has a 473 sq. ft. impervious surface area intruding into the 100' tidal buffer area.

Zoning – R-2, 6 dwelling units per acre (18 units for this 3 acre project).

The proposal is for a re-subdivision that would create a project with the following features:

Density:

11 parcels (9 single family detached houses, 1 duplex), seven fewer units than allowed by zoning

Cluster site plan that would:

Shrink impervious surface area by reducing parcel size and setbacks, limiting developable area on each parcel and reducing the widths of road rights-of-way and paved surface areas,

Protect 38% of site (49,197 sq. ft.) in contiguous open space, including 100% of the 100' tidal buffer area.

100' tidal buffer area:

Extinguish grandfathered rights to build 2 residences in the 100' tidal buffer area, one each on Lot 3 and Lot 4, Parcel 139,

Remove 473 sq. ft. of existing impervious surface area from the 100' tidal buffer area on Parcel 142

Create 610 linear feet of unbroken 100' tidal buffer area (crossed only by access to pier),

Protect existing ground cover. No clearing in the buffer area. Protect mature trees, including Bald Cypress and Corkscrew Willow straddling Lots 3 and 4 on Parcel 139.

Community pier:

Create community pier with 11 slips, one per parcel, and extinguish existing rights to build separate piers on three existing waterfront lots.

CHESAPEAKE BAY CRITICAL AREA
GROWTH ALLOCATION APPLICATION

Town of Snow Hill, Maryland

Application No.: GA-2005-1 Amount of Growth Allocation Requested: 3.1 acres

Application Fee: \$150⁰⁰ Date Paid: 3-9-05

Current Critical Area Designation: () Resource Conservation Area (RCA)
() Limited Development Area (LDA)
() Intensely Developed Area (IDA)

Pursuant to '72-11, Designation of New Intensely Developed and Limited Development Areas, and '72-25, Amendments, of the Snow Hill Zoning Code, Chesapeake Bay Critical Area Growth Allocation is hereby requested for:

- () Designation of a New Intensely Developed Area
- () Designation of a New Limited Development Area

Proposed Project: 12 to 16 unit, clustered residential development including single family detached and attached houses

Reason for Request: To comply with Critical Area criteria governing impervious surfaces and stormwater runoff

Zoned: R-2 Property Location: 212, 214 + 300 W. Market St.

Map: 200 Grid: _____ Parcel: 139 Lots 1-4
140 Lot: _____ Acreage: 3.1 Election District: 3
142

Property Owner: Shipyard Alley LLC

Address of Owner: 210 W. Market St. Telephone: 410-703-1717

Applicant's Name and Address, if Different From Above: Saunders C. Hillyer
Telephone: same

The undersigned requests that the above-referenced property/project be awarded growth allocation in accordance with the Town of Snow Hill and Worcester County Chesapeake Bay Critical Area Programs and Ordinances. Permission is hereby granted to conduct necessary inspections of these premises for which this request is made.

Saunders C. Hillyer 3-9-05
Signature of Owner Date

Saunders C. Hillyer 3-9-05
Signature of Applicant Date

IMPORTANT: Applications on which all required information is not furnished will be returned for completion before processing.

RECEIVED

APR 25 2005

CRITICAL AREA COMMISSION

The effect of changing the Critical Area classification of the Shipyard Alley parcels from
Limited Development Area to Intensely Developed Area

Sandy Hillyer
March 24, 2005

What reclassification does and why we applied for it:

- Reclassification from LDA to IDA changes the Critical Area criteria governing impervious surface areas and stormwater management. Development on parcels assigned to the Limited development Area is subject to a 15 percent cap on the area covered by impervious surfaces. In the Intensely Developed Area the applicable Critical Area criteria mandate that new development must reduce the amount of pre-existing runoff by 10 percent. The 15 percent cap on impervious surface area that applies in the LDA does not apply in the IDA.

What reclassification from Limited Development Area to Intensely Developed Area does not do:

- Reclassification from LDA to IDA does not affect the Town of Snow Hill's enforcement of its historic district ordinance or the historic designation of any of the houses at 212, 214 and 300 W. Market Street.
- Reclassification from LDA to IDA does not affect density of development. Density is controlled by the Town of Snow Hill's zoning, which assigns the Shipyard Alley parcels to the R-2 zone (six residences per acre).

**NOTICE OF
PUBLIC HEARING**

The Snow Hill Planning and Zoning Commission has received an application from **Mr. and Mrs. Saunders C. Hillyer**, 210 W. Market Street, requesting a Critical Area growth allocation map amendment to reclassify the following parcels of Tax Map 200, 139 (lots 1-4), 140, 141, and 142 from a Limited Development Area to an Intensely Developed Area. These parcels are also known as 212, 214, and 300 W. Market Street. In accordance with the Town's Critical Area Ordinance Sections 72-11 and 72-25 a public hearing will be held on **April 4, 2005** at Snow Hill Town Hall, located at the corner of Bank and Green Streets. The hearing will begin at 7 PM.

3/24/1t

RECEIVED

APR 25 2005

CRITICAL AREA COMMISSION

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The Snow Hill Planning and Zoning Commission has received an application from Mr. and Mrs. Saunders C. Hillyer, 210 W. Market Street, requesting a Critical Area growth allocation map amendment to reclassify the following parcels of Tax Map 200, 139 (lots 1-4), 140, 141, and 142 from a Limited Development Area to an Intensely Developed Area. These parcels are also known as 212, 214, and 300 W. Market Street. In accordance with the Town's Critical Area Ordinance Sections 72-11 and 72-25 a public hearing will be held on April 4, 2005 at Snow Hill Town Hall, located at the corner of Bank and Green Streets. The hearing will begin at 7 PM.

RECEIVED

APR 25 2005

CRITICAL AREA COMMISSION



Dear Commission members,

We have received a formal request for Critical Area Growth Allocation and map amendments to change lands of Saunders and Ann Hillyer, Tax Map 200, Parcels 139 (lots 1-4), 140, 141, and 142 (also known as 212, 214 and 300 W. Market Street) from Limited Development Area to Intensely Developed Area.

The public hearing that is required is set for Monday, April 4, 2005 at Town Hall beginning at 7 PM. Advertisement has been sent to the Worcester County Times and the property will be subsequently posted, with notice given to adjacent property owners.

Also, since I have received no submissions for the March 21, 2005 meeting, unless you have an item to place on the agenda, I will officially cancel this session and post that information by Friday, March 18th. Let me know if there's something to discuss.

Thanks,
Kay





Hi Denise,

Could you please submit this to be advertised in the Worcester County Times on Thursday, March 24, 2005:

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Thank you,

Kay Stroud



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3/24/1t

Saunders C. and Ann Hillyer
Growth Allocation Request
Contiguous Property Owner Notification

Parcel 143: Charles E. Jr. and Beverly A. Norris
302 W. Market Street
Snow Hill, MD 21863



Maryland Department of Planning

Robert L. Ebrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

MEMORANDUM

To: Snow Hill Planning Commission

From: Tracey Gordy, MDP Regional Planner/Circuit Rider 

Date: April 4, 2005

Re: Hillyer Growth Allocation Request

I have reviewed Mr. and Mrs. Hillyer's growth allocation request with respect to the Town of Snow Hill's Critical Area Ordinance requirements contained in §72-11 of the Snow Hill Code for the designation of new Intensely Developed Areas (IDAs) and Limited Development Area (LDAs), and offer the following comments for your consideration:

- A. **The Snow Hill Code states that, "The Planning Commission will receive and consider and may give preliminary approval to all applications for new designations of intensely developed areas or limited development areas, provided that adequate growth allocation has been received for Worcester County".**

I have spoken with Keith Lackie, Natural Resources Coordinator for Worcester County, and he indicated that there is adequate County growth allocation available if the Town decides to support this request.

The Snow Hill Code further states that in reviewing applications for growth allocation, the Planning Commission shall use the following guidelines:

- (1) New intensely developed areas should be located in limited development areas or adjacent to existing intensely developed areas.**

The subject properties are designated as a Limited Development Area (LDA) and are also adjacent to an existing Limited Development Area (LDA).

- (2) New limited development areas should be located adjacent to existing limited development areas or intensely developed areas.**

Not applicable.

Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street • Suite 24 • Salisbury, Maryland 21801-4974
Telephone: 410.749.4618 • Fax: 410.543.6777
Internet: www.MDP.state.md.us

RECEIVED

APR 25 2005

CRITICAL AREA COMMISSION

- (3) No more than one-half of the allocated expansion to intensely developed or limited development areas may be located in resource conservation areas.**

Not applicable.

- (4) New intensely developed areas and limited development areas should be so located in order to minimize impacts to habitat protection areas as specified in this chapter and in an area and in a manner that optimizes benefits to water quality.**

There are no known rare, threatened, or endangered species on or adjacent to these properties. There are some tidal wetland areas along the shoreline of the Hillyer's homesite, but that property is not included in this request. The primary habitat protection area of concern is the 100' Buffer. It is the Hillyer's intention to keep as much of the development outside of the 100' Buffer as possible. There is an ongoing question about existing grandfathered development rights within the Buffer and the possibility of "trading" those rights to another, less sensitive Buffer location, but that proposal is still being reviewed by the Critical Area Commission staff. (This matter will be explained in more detail during the public hearing)

- (5) New intensely developed areas should be located where they minimize their impacts to the defined land uses of the resource conservation areas.**

This project will involve only residential development and will not result in more than 16 dwelling units on the entire 3.1 acres. Residential uses are a permitted use in the RCA and are preferred over commercial, institutional and/or industrial uses.

- (6) New intensely developed areas and limited development areas in the resource conservation area should be located at least three hundred feet beyond the landward edge of tidal wetlands or tidal waters.**

Not applicable.

- (7) When planning future expansion of intensely developed and limited development areas, the Town will consult with Worcester County, as appropriate.**

As previously mentioned, I have discussed this request with the Worcester County Natural Resources Coordinator and he does not foresee a problem with the growth allocation request. Ultimately, the Worcester County Commissioners will hear the request and make a recommendation to the Critical Area Commission in Annapolis.

- (8) Resource conservation areas or portions of such areas that are redesignated as new intensely developed or limited development areas shall conform to all requirements of this chapter relating to such redesignated areas. Any such new areas shall be so designated on the Critical Area map of Snow Hill and shall constitute an amendment to this chapter.**

This request is not within a resource conservation area, so that portion of item #8 is not applicable. If the Snow Hill Mayor and Council, Worcester County Commissioners, and the Critical Area Commission recommend this request for approval, then the Snow Hill Critical Area maps will be amended accordingly.

With the exception of the outstanding Buffer trade issue, it appears as if this proposal meets all of the applicable requirements for growth allocation requests as outlined in Snow Hill's Critical Area Ordinance.

Upon the Planning Commission's review and consideration of the guidelines listed in this memorandum, the Planning Commission is to make findings and justifications as to why any recommendation or denial of a new designation is justified. Those findings will be forwarded to the Mayor and Town Council for their public hearing scheduled for April 12, 2005.



MAYOR AND COUNCIL OF SNOW HILL

**Planning and Zoning Commission
Growth Allocation Hearing and Action
Public Hearing – April 4, 2005
Recommending Vote – April 8, 2005
MINUTES**

Chairperson Anne Taylor called the meeting to order at 7:30 PM. Since this was only a public hearing, a quorum was not necessary. Member Ed Haile was present. Sandy Hillyer is applicant in this action, therefore recusing himself. Randy Coates will represent Mr. Hillyer in the future, so he recused himself as well. Member Joe Ingolia was unavailable. Tracey Gordy, Critical Area representative of the Maryland Department of Planning, and Kay Stroud, Town Staff, was present. In the audience were Mr. and Mrs. Charles Norris, adjacent property owners, and Becky Jones, interested citizen.

Tracey Gordy presented a staff report giving criteria for the requested change from LDA (Limited Developed Area) to IDA (Intensely Developed Area). She explained the eight factors to be considered according to §72-11 of the Town's Critical Area ordinance. She also gave past history of the property with respect to former property owners and their actions to subdivide and reclassify.

Public comment was made by Mr. and Mrs. Charles Norris, adjacent property owners at 302 W. Market Street. Their concerns about excess water run-off with future development were heard. Their concern about possible building in the buffer was also heard; however that issue will become important in future hearings more than this one.

With no further comment, this meeting was adjourned.

On April 8, 2005, Member Joe Ingolia came in and listened to the Public Hearing tape in its entirety. A quorum convened at 1 PM consisting of Mr. Ingolia, Mrs. Taylor and Mr. Haile. Mr. Ingolia commented that a precedent for seeking growth allocation had been set in the past with the Burbage Funeral Home case. Mr. Haile motioned to recommend to Mayor and Council that growth allocation from the County be used to reclassify the subject lands from LDA to IDA. Joe Ingolia seconded. The vote was unanimous, and therefore the Planning and Zoning Commission will formally recommend the use of Worcester County Growth Allocation to reclassify the lands from LDA to IDA.

The meeting was adjourned.

Anne H. Taylor



MAYOR AND COUNCIL OF SNOW HILL

**Planning and Zoning Commission
Shipyard Alley LLC Growth Allocation Request
FINDINGS OF FACT
April 8, 2005 at 1 pm, Town Hall**

The Snow Hill Planning and Zoning Commission met on April 8, 2005 at 1 PM at Town Hall to move forward on a formal recommendation to Mayor and Council for the use of Growth Allocation to reclassify lands of Tax Map 200, Parcels 139 (lots 1-4), 140, 141, and 142 from LDA to IDA.

§72-11 of the Town's Critical Area ordinance mandates the findings of the following facts:

- A. **The Snow Hill Code states that, "The Planning Commission will receive and consider and may give preliminary approval to all applications for new designations of intensely developed areas or limited developed areas provided that adequate growth allocation has been received for Worcester County."**

The Planning Commission has found that Keith Lackie, Natural Resources Coordinator for Worcester County, has indicated there is adequate growth allocation available if the Town recommends this request.

The following guidelines must also be considered:

- (1) New intensely developed areas should be located in limited development areas or adjacent to existing intensely developed areas.**

The Planning Commission has established that the subject properties are currently designated LDA and is also adjacent to an existing LDA.

- (2) New limited development areas should be located adjacent to existing limited development or intensely developed areas.**

Not applicable.

- (3) No more than one-half of the allocated expansion to intensely developed or limited development areas may be located in resource conservation areas.**

Not applicable.

- (4) New intensely developed areas and limited development areas should be so located in order to minimize impacts to habitat protection areas as specified in this chapter and in an area and in a manner that optimizes benefits to water quality.**

The primary habitat area of concern is the 100' Buffer. The Planning Commission finds that it is the applicant's intention to keep as much development out of the Buffer as possible, whether at the main stem along the River or the gut that is located on the left side of the property next to the Park.

- (5) New intensely developed areas should be located where they minimize their impacts to the defined land uses of the resource conservation areas.**

The Planning Commission has found that this project will involve only residential development and will not result in more than 16 dwelling units on the entire 3.1 acres. Residential uses are a permitted use in the RCA and are preferred over commercial, institutional and/or industrial uses.

- (6) New intensely developed areas and limited development areas in the resource conservation area should be located at least three hundred feet beyond the landward edge of tidal wetlands or tidal waters.**

Not applicable.

- (7) When planning future expansion of intensely developed and limited development areas, the Town will consult with Worcester County, as appropriate.**

The Planning Commission has found that Worcester County's agent has already been consulted and understands that the Worcester County Commissioners will ultimately hear the request and make a recommendation to the Critical Area Commission in Annapolis.

- (8) Resource conservation areas or portions of such areas that are redesignated as new intensely development areas shall conform to all requirements of this chapter relating to such redesignated areas. Any such new areas shall be so designated on the Critical Area map of Snow Hill and shall constitute an amendment to this chapter.**

The Planning Commission has found that this request is not within a resource conservation area; therefore this portion of #8 is not applicable. If this request is successfully approved, the Snow Hill Critical Area maps will be amended accordingly.

Upon hearing of public comment at this session and consideration of the above criteria, the Planning Commission finds that the recommendation to apply for 3.1 acres of Growth Allocation from Worcester County be forwarded to Mayor and Council. The application was advertised in a newspaper of local circulation, the Worcester County Times, and posted on Town bulletin boards and onsite.

The Public Hearing tonight at 7 PM by Mayor and Council will satisfy the next step of this process.

Anne St. Taylor



Maryland Department of Planning

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

MEMORANDUM

To: Mayor and Town Council

From: Tracey Gordy, MDP Regional Planner/Circuit Rider 

Date: April 12, 2005

Re: Hillyer Growth Allocation Request

I have reviewed Mr. and Mrs. Hillyer's growth allocation request with respect to the Town of Snow Hill's Critical Area Ordinance requirements contained in §72-11 of the Snow Hill Code for the designation of new Intensely Developed Areas (IDAs) and Limited Development Area (LDAs), and offer the following comments for your consideration:

- A. **The Snow Hill Code states that, "The Planning Commission will receive and consider and may give preliminary approval to all applications for new designations of intensely developed areas or limited development areas, provided that adequate growth allocation has been received for Worcester County".**

I have spoken with Keith Lackie, Natural Resources Coordinator for Worcester County, and he indicated that there is adequate County growth allocation available (over 300 acres) if the Town decides to support this request.

The Snow Hill Code further states that in reviewing applications for growth allocation, the Planning Commission shall use the following guidelines:

- (1) New intensely developed areas should be located in limited development areas or adjacent to existing intensely developed areas.**

The subject properties are designated as a Limited Development Area (LDA) and are also adjacent to an existing Limited Development Area (LDA).

- (2) New limited development areas should be located adjacent to existing limited development areas or intensely developed areas.**

Not applicable.

Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street • Suite 24 • Salisbury, Maryland 21801-4974
Telephone: 410.749.4618 • Fax: 410.543.6777
Internet: www.MDP.state.md.us

- (3) No more than one-half of the allocated expansion to intensely developed or limited development areas may be located in resource conservation areas.**

Not applicable.

- (4) New intensely developed areas and limited development areas should be so located in order to minimize impacts to habitat protection areas as specified in this chapter and in an area and in a manner that optimizes benefits to water quality.**

There are no known rare, threatened, or endangered species on or adjacent to these properties. There are some tidal wetland areas along the shoreline of the Hillyer's homesite, but that property is not included in this request. The primary habitat protection area of concern is the 100' Buffer. It is the Hillyer's intention to keep as much of the development outside of the 100' Buffer as possible. There is an ongoing question about existing grandfathered development rights within the Buffer and the possibility of "trading" those rights to another, less sensitive Buffer location, but that proposal is still being reviewed by the Critical Area Commission staff. (This matter will be explained in more detail during the public hearing)

- (5) New intensely developed areas should be located where they minimize their impacts to the defined land uses of the resource conservation areas.**

This project will involve only residential development and will not result in more than 16 dwelling units on the entire 3.1 acres. Residential uses are a permitted use in the RCA and are preferred over commercial, institutional and/or industrial uses.

- (6) New intensely developed areas and limited development areas in the resource conservation area should be located at least three hundred feet beyond the landward edge of tidal wetlands or tidal waters.**

Not applicable.

- (7) When planning future expansion of intensely developed and limited development areas, the Town will consult with Worcester County, as appropriate.**

As previously mentioned, I have discussed this request with the Worcester County Natural Resources Coordinator and he does not foresee a problem with the growth allocation request. Ultimately, the Worcester County Commissioners will hear the request and make a recommendation to the Critical Area Commission in Annapolis.

- (8) Resource conservation areas or portions of such areas that are redesignated as new intensely developed or limited development areas shall conform to all requirements of this chapter relating to such redesignated areas. Any such new areas shall be so designated on the Critical Area map of Snow Hill and shall constitute an amendment to this chapter.**

This request is not within a resource conservation area, so that portion of item #8 is not applicable. If the Snow Hill Mayor and Council, Worcester County Commissioners, and the Critical Area Commission recommend this request for approval, then the Snow Hill Critical Area maps will be amended accordingly.

With the exception of the outstanding Buffer trade issue, it appears as if this proposal meets all of the applicable requirements for growth allocation requests as outlined in Snow Hill's Critical Area Ordinance.

The Planning Commission held a public hearing on this request on April 4, 2005, and subsequently voted and made a favorable recommendation on April 8, 2005. Kay Stroud, Code Enforcement Officer for Snow Hill, has copies of the Planning Commission minutes and findings of fact and consistency for your review and reference.

It is the Mayor and Council's duty to hear testimony, pro or con, during the public hearing and to consider that testimony, along with the Town's growth allocation guidelines, in rendering a decision on this request.

As always, I am available should you have any questions.

**CHESAPEAKE BAY
CRITICAL AREA
ENVIRONMENTAL REPORT
FOR
SHIPYARD ALLEY
SNOW HILL, MARYLAND**

Tax Map 200, Parcel 139 (Lot 1-4), 140, 141, and 142
Worcester County

Submitted by: Sandy Hillyer, Shipyard Alley, LLC and Town of Snow Hill

Prepared: November 2007

RECEIVED

NOV 5 2007

CRITICAL AREA COMMISSION

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5. Habitat Protection Areas	6
6. Steep Slopes	6

Attachments

A - Location Map

B – Soil Survey Map

C – Letter from Wetland Consultant Spencer Rowe dated October 31, 2007

D - DNR – Wildlife and Heritage Review Letter from Lori Byrne

INTRODUCTION

SHIPYARD ALLEY, LLC

A 3-acre urban infill cluster project on public water and sewer in the Town of Snow Hill

HISTORY OF ACTIONS TAKEN TO DATE ON THE REQUEST FOR GROWTH ALLOCATION

Town of Snow Hill Planning Commission recommended use of growth allocation to reclassify site, April 12, 2005 (unanimous)

Snow Hill Town Council recommended reclassification, May 8, 2007 (unanimous)

Worcester County Planning Commission recommended reclassification, September 6, 2007 (unanimous)

Worcester County Board of County Commissioners approved use of growth allocation, October 16, 2007 (unanimous)

PROPOSED PROJECT

Existing condition:

Shipyard Alley is now comprised of seven parcels, including three with substantial waterfront on the Pocomoke River. Two of the three existing waterfront parcels (Lot 3 and Lot 4, Parcel 139) are undeveloped with grandfathered rights to build one residence on each in the Critical Area 100' tidal buffer area. The third (Parcel 142) has a 473 sq. ft. impervious surface area intruding into the 100' tidal buffer area.

Zoning – R-2, 6 dwelling units per acre (18 units for this 3 acre project).

The proposal is for a re-subdivision that would create a project with the following features:

Density:

11 parcels (9 single family detached houses, 1 duplex), seven fewer units than allowed by zoning

Cluster site plan that would:

Shrink impervious surface area by reducing parcel size and setbacks, limiting developable area on each parcel and reducing the widths of road rights-of-way and paved surface areas,

Protect 38% of site (49,197 sq. ft.) in contiguous open space, including 100% of the 100' tidal buffer area.

100' tidal buffer area:

Extinguish grandfathered rights to build 2 residences in the 100' tidal buffer area, one each on Lot 3 and Lot 4, Parcel 139,

Remove 473 sq. ft. of existing impervious surface area from the 100' tidal buffer area on Parcel 142

Create 610 linear feet of unbroken 100' tidal buffer area (crossed only by access to pier),

Protect existing ground cover. No clearing in the buffer area. Protect mature trees, including Bald Cypress and Corkscrew Willow straddling Lots 3 and 4 on Parcel 139.

Community pier:

Create community pier with 11 slips, one per parcel, and extinguish existing rights to build separate piers on three existing waterfront lots.

PROJECT DESCRIPTION

The entire site is within the Chesapeake Bay Critical Area. Shipyard Alley is an infill project within the Town of Snow Hill that will be developed under the Town's cluster provisions. The owner plans to construct nine single family dwelling units and one duplex unit for a total of eleven units. The lots range in size from 3,195 sq. ft. to 7,111 sq. ft. The project meets the cluster provisions, in that, it does not exceed density permitted in R-2 district, 38% of site is reserved for open space (including the buffer), wetlands are not to be disturbed, and buffer plantings will provide habitat.

SOILS

The Worcester County Soil Survey classifies the site as Urban Land Udorthents complex (Ut). Its composition is 54 percent urban land, udorthents and similar soils 44 percent and inclusions 2 percent. Slope is only 0 to 2 percent. This map unit consists of areas where much of the surface soil is covered by concrete, buildings, and other impervious materials. The inclusions are unnamed natural and manmade soils.

WETLANDS

Spencer Rowe conducted an evaluation of the site within the last year as part of our wetland delineation and subsequent vegetation analysis for the buffer plan. Both the limit of tidal and non-tidal wetlands, along with our characterization of existing vegetation is shown on the Existing Conditions Plan by the engineer.

General Description of the Site:

These parcels have a long history of commercial and residential use, dating at least to the 19th century. Soils and vegetation have been manipulated by man, and there is very little natural habitat remaining.

Non-tidal wetlands:

There is a small area of non-tidal wetlands adjacent to the revetment along the northeast shoreline. These wetlands were delineated under Section F, Atypical Situations, of the 1987 USCOE Wetland Delineation Manual.

Tidal wetlands:

The site is bounded by old timber bulk heading or stone revetment and the tidal wetland line was located at the landward Mean High Water limit of these structures and as shown on the State's 1972 Tidal Wetlands.

Soils:

Soils on this site are classified as Made Land adjacent to the river. Soil borings and tree wells around some of the older trees indicate that this area was filled many decades ago. Closer to the road the soils are of course impacted by various structures, but in those areas still relatively undisturbed, sample borings indicate a non-hydric sandy loam (Typic Quartzipsamments).

Vegetation:

There are quite a few old trees in the site, evidently saved as part of the general landscaping, and some are quite large with extensive root systems. These were identified and located by GPS and are shown on the Plan. The native trees provide benefits for water quality as their root systems intercept sub-surface nutrients. Because of their height, the largest trees provide some roosting habitat.

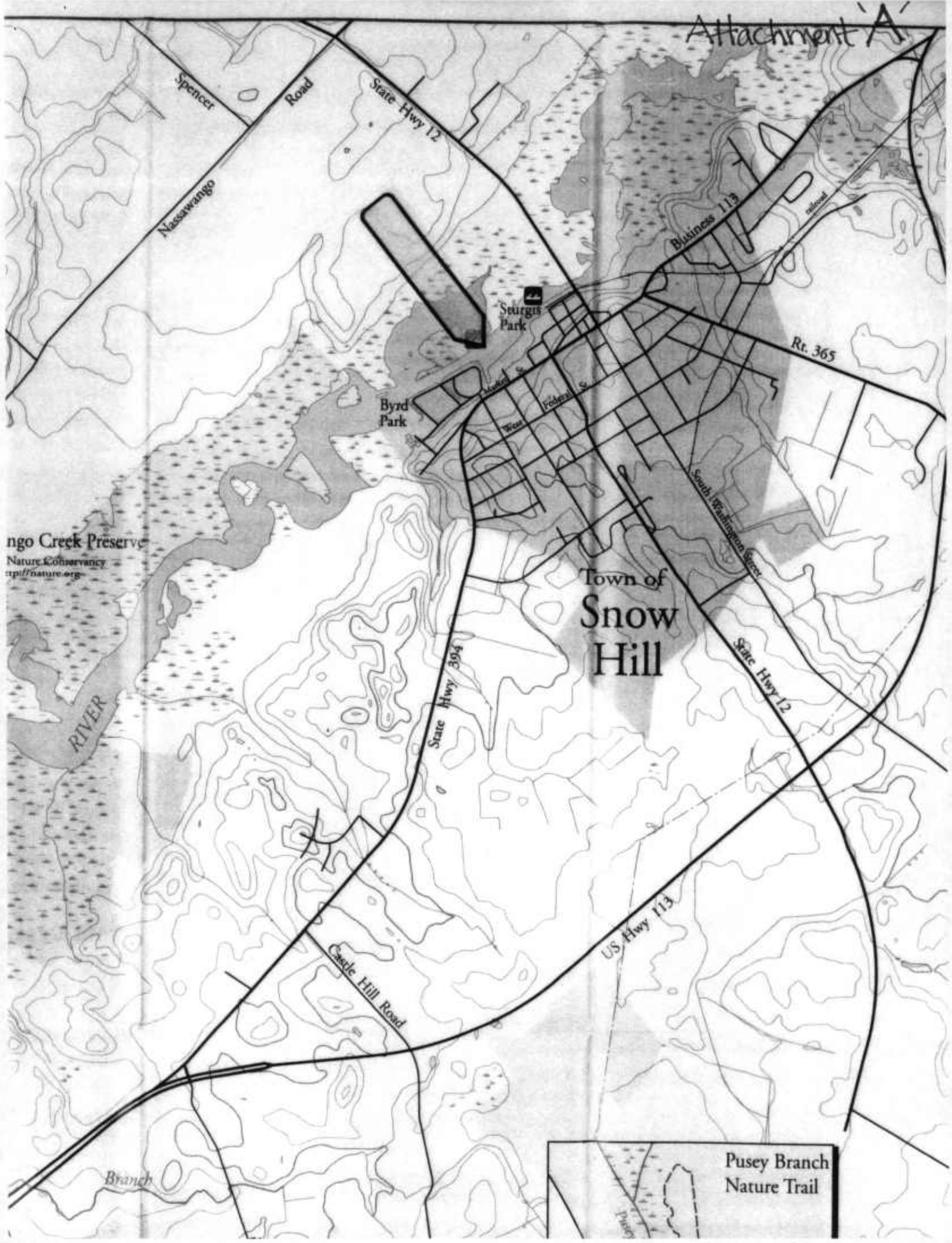
Some areas have more recent plantings and there are small unmanaged areas of natural vegetation pioneering along the shoreline.

HABITAT PROTECTION AREAS

The only known habitat protection area on the site is the tidewater buffer. As stated previously, no development will occur within the one hundred foot buffer. In fact, development has been moved outside the buffer under the cluster provisions to meet contiguous open space requirement. The conceptual buffer management plan is shown as attachment "D". The Department of Natural Resources Wildlife and Heritage letter from Lori Byrne stating there are no State or Federal records for rare, threatened or endangered species within the project site is attached. A plant survey as requested by staff is being conducted by Ron Wilson with regard to possible occurrence of Wild Lupine and Halberd-leaved Greenbrier. This report will be forwarded when received.

STEEP SLOPES

There are no steep slopes on the project site as stated under soils section the slope is 0 – 2 percent.



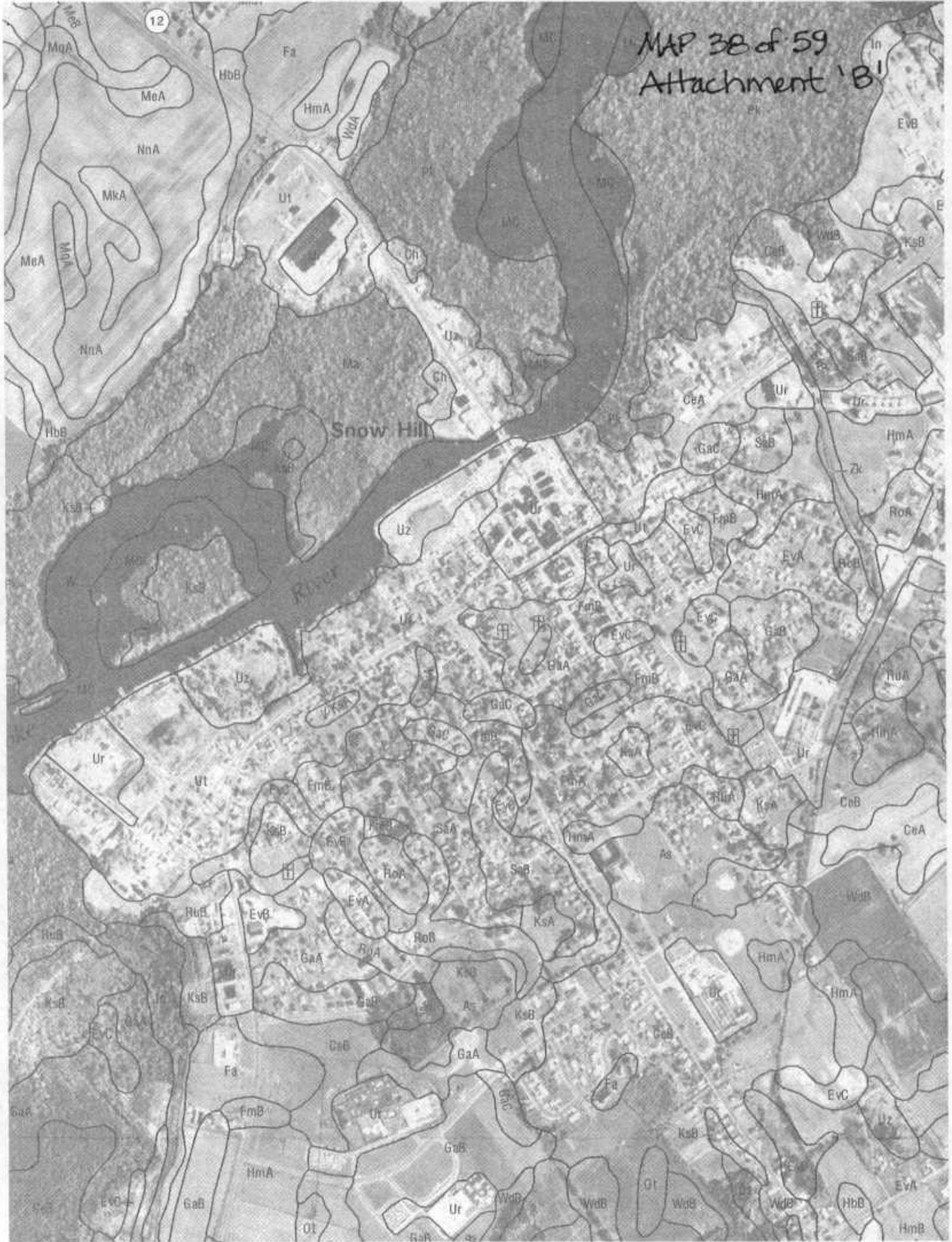
ngo Creek Preserve
 Nature Conservancy
<http://nature.org>

Pusey Branch
 Nature Trail

12

MAP 38 of 59
Attachment 'B'

Snow Hill



Attachment 'C'



SPENCER ROWE, INC.
12430 Fleetway Drive
Ocean City, Maryland 21842
office: 410-213-0127 fax: 410-213-9884

◦ wetland delineation and permitting ◦ forestry ◦ complete site evaluation

October 31, 2007

Sandy Hillyer
210 W. Market Street
Snow Hill MD 21863

Re: Property of Shipyard Alley, LLC, 210 W. Market St., Snow Hill (Parcels 139, 140, 141, 142, plus Shipyard Alley and ROW)

Dear Sandy:

As you requested, I have evaluated the existing environmental conditions on the above-referenced properties for your use in applying for Growth Allocation under the regulations of the Chesapeake Bay Critical Area law.

Methodology:

We did extensive field work on the site within the last year as part of our wetland delineation and subsequent vegetation analysis for the buffer plan. Both the limit of tidal and non-tidal wetlands, along with our characterization of existing vegetation is shown on the Existing Conditions Plan by your engineer.

General Description of the Site:

These parcels have a long history of commercial and residential use, dating at least to the 19th century. Soils and vegetation have been manipulated by man, and there is very little natural habitat remaining.

Non-tidal wetlands:

There is a small area of non-tidal wetlands adjacent to the revetment along the northeast shoreline. These wetlands were delineated under Section F, Atypical Situations, of the 1987 USCOE Wetland Delineation Manual.

Tidal wetlands:

The site is bounded by old timber bulkheading or stone revetment and the tidal wetland line was located at the landward Mean High Water limit of these structures and as shown on the State's 1972 Tidal Wetland Maps.

Soils:

Soil on this site are classified as Made Land adjacent to the river. Soil borings and tree wells around some of the older trees indicate that this area was filled many decades ago. Closer to the road the soils are of course impacted by various structures, but in those areas still relatively undisturbed, sample borings indicate a non-hydric sandy loam (Typic Quartzipsamments).

Vegetation:

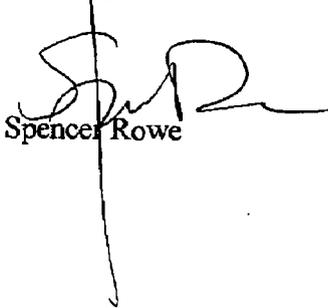
There are quite a few old trees in the site, evidently saved as part of the general landscaping, and some are quite large with extensive root systems. These were identified and located by GPS and are shown on the Plan. The native trees provide benefits for water quality as their root systems intercept sub-surface nutrients. Because of their height, the largest trees provide some roosting habitat.

Some areas have more recent plantings and there are small unmanaged areas of natural vegetation pioneering along the shoreline.

Conclusion:

It is our opinion that any development of the site that establishes a buffer with native vegetation and incorporates modern techniques to mitigate storm water runoff will restore some of the ecological functions lost over the years.

Sincerely,



Spencer Rowe



Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

C. Ronald Franks, Secretary

October 9, 2006

Mr. Saunders C. Hillyer
210 W. Market Street
Snow Hill, MD 21863

**RE: Environmental Review for Shipyard Alley LLC, Proposed Redevelopment for
Parcels along Pocomoke River and Market Street, Snow Hill, Worcester County,
Maryland.**

Dear Mr. Hillyer:

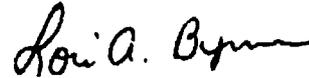
The Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. As a result, we have no specific comments or requirements pertaining to protection measures at this time. Please note however that the utilization of state funds, the need to obtain a state-authorized permit, or changes to the plan might warrant additional evaluations that could lead to protection or survey recommendations by the Wildlife and Heritage Service. Please contact us again for further coordination if this project falls into one of those categories.

We would also like to point out that our initial evaluation of this project should not be interpreted as meaning that it is not possible for rare, threatened or endangered species to be present. Certain species could be present without documentation because adequate surveys may not have been conducted in the past. Although we are not requiring any surveys, we would like to bring to your attention that Wildlife and Heritage Service's Natural Heritage database records do indicate that there is an occurrence of Wild Lupine (*Lupinus perennis*) and of Halberd-leaved Greenbrier (*Smilax pseudochina*), both state-listed threatened species, known to occur within the vicinity of the project site.

If the appropriate habitat is present for these species they could potentially occur on the project site itself. Since populations of these native plants have declined historically we would encourage efforts to help conserve them across the state. Feel free to contact us if you would like technical assistance regarding the conservation of these important species.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,



Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER #2006.2195.wo
cc: S.A. Smith, DNR
L. Hoerger, CAC



Maryland Department of Planning

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

MEMORANDUM

142
RECEIVED

MAY 5 2005

To: Snow Hill Mayor and Town Council

From: Tracey Gordy, Regional Planner/Critical Area Circuit Rider

CRITICAL AREA COMMISSION

Date: May 4, 2005

Re: Hillyer Growth Allocation Request

It has come to my attention that the Hillyer growth allocation request was discussed in your work session yesterday and that there were several questions raised regarding development within the 100' Buffer. First, I apologize that I was not in attendance, but I was unaware that it was scheduled on your agenda. I was also supposed to be on maternity leave effective Monday, May 2, 2005, but things have been delayed and I will now be on leave effective Friday, May 6th.

This site is somewhat complicated, so I think it may prove the most useful to outline the issues associated with this request in a bullet format, as follows:

- I have provided as Attachment #1, the Ward survey plat that shows all seven parcels under consideration for development. The three parcels that front on Market Street have existing dwellings on them. Three other parcels (Lots 2, 3, and 4) are undeveloped, and Parcel A contains two dilapidated duplex dwellings. Parcel A and Lots 2, 3, and 4 are considered grandfathered lots of record under the Critical Area regulations. The term "grandfathered" simply means that the lots existed before the Critical Area law was adopted.
- Lots 3 and 4 are almost entirely within the 100' Buffer. Although Mr. Hillyer does have the right to develop both of these lots under their grandfathering status, there is no inherent right to develop within the 100' Buffer. In order to do so, a Buffer variance must first be requested and granted by the Snow Hill Board of Zoning Appeals. Any variance granted by the Board must be consistent with the Critical Area variance criteria (See Attachment #2) and must be the minimum variance necessary for the applicant to have reasonable use of the land. In other words, Mr. Hillyer will have to meet as much of the

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100' setback as possible and will likely only have the right to construct a single-family residence on each lot. The Critical Area Commission staff must be notified of the variance request and they will comment at the hearing, either in writing or in person. The only way Mr. Hillyer can retain his grandfathering status on these two lots is to maintain the existing lot lines. If he decides to re-configure these two lots as a part of the condominium development, the lots will lose their grandfathering status and the full 100' Buffer setback must be met.

- Parcel A is also a grandfathered lot of record, however it has much more area for development potential outside of the 100' Buffer. To develop within the 100' Buffer on this parcel, the same process as described for Lots 3 and 4 must be followed.
- Mr. Hillyer had requested that I, in conjunction with the Critical Area Commission staff in Annapolis, take a look at a "Buffer trading option" that would allow him to transfer his Buffer development rights from Lots 3 and 4 to Parcel A for development within the Buffer. The Commission looked at this request and determined that there is no Buffer trading provision in the State Law or in Snow Hill's local ordinance. Therefore, their April 12th response to him and copied to the Town (See Attachment #3), was that the Critical Area Commission would likely be concerned about a growth allocation request involving development within the Buffer.
- The sole reason I suggested Mr. Hillyer apply for growth allocation for these parcels was to address potential impervious surface issues. If Mr. Hillyer develops this site with 12 to 16 residential units, he may be able to meet the 15% impervious coverage limitation initially, but the buyers of these units will be limited on any future develop, such as the placement of a storage shed, construction of a porch/patio, etc.. The underlying zoning determines the density potential of this project, regardless if the Critical Area designation is LDA or IDA. If the properties remain LDA, the site cannot have more than 15% impervious coverage. If the growth allocation is granted and the site becomes an IDA, there is no limit to the amount of impervious coverage, but the 10% Rule must be addressed. This means that best management practices have to be implemented for stormwater management and that there has to be a 10% reduction in the pollutant loading of that stormwater from the pre-development state to the post-development state.
- In anticipation of my maternity leave, I sent a letter to Kelly outlining the remaining process and procedure necessary for the continuation of this growth allocation request (See Attachment #4). With that letter, I had also attached the April 12th response from the Critical Area Commission that addressed many of these issues. Again, I apologize that you did not have that information yesterday.

- One of the Town of Snow Hill's growth allocation criteria that must be considered by the Mayor and Council is any potential impact the development will have upon habitat protection areas. The Buffer is a habitat protection area. Worcester County and the Critical Area Commission will both be requiring findings of fact from the Town stating how this request meets all of Snow Hill's Critical Area criteria, including impacts to the Buffer. In addition, the County and Commission will require that Mr. Hillyer submit a conceptual site plan showing the layout of the proposed units. Any units proposed within the Buffer may prove problematic to this request.

In closing, the Critical Area Commission staff did not have a problem with the growth allocation request, however development within the Buffer was a concern. It was recommended that the timeliest development alternative would be to abandon any plans for development within the Buffer. You should also be aware that the adjacent property owners, Mr. And Mrs. Charles Norris, have gone on record as being opposed to any develop within the Buffer on Parcel A. It is appropriate to notify them if this item is going to be a topic on your next meeting agenda. They should have the opportunity to comment.

I hope this memorandum answers most of the questions you had. I will be in the office today and tomorrow if you have additional questions or need more information.

Attachments

Cc: LeeAnne Chandler, CAC
Kelly Brewington

- (3) This subsection does not prevent the conveyance of the lot to a third party as security for a mortgage or deed of trust.
- H. In determining whether the subsequent conveyance of lots to persons other than to immediate family members shall be permitted, the Planning Commission shall determine:
- (1) That the lot was created as part of a bona fide intrafamily transfer and not with the intent of subdividing the original parcel of land for purposes of ultimate commercial sale.
 - (2) That a change in circumstances has occurred since the original transfer was made that is not inconsistent with this section and that warrants an exception.
 - (3) That the conveyed land will be used to maintain land areas necessary to support the protective uses of agriculture, forestry, open space and natural habitats in resource conservation areas.



§ 72-24. Variances.

- A. In cases where, owing to special features of a site or other circumstances, literal enforcement of the provisions of this chapter would result in unwarranted hardship to an applicant, a variance may be granted by the Snow Hill Board of Zoning Appeals, provided that the applicant, at a minimum, can demonstrate that:
- (1) Special conditions or circumstances exist that are peculiar to the land or structure and that a literal enforcement of the provisions of this chapter within Snow Hill's Critical Area Program would result in unwarranted hardship.
 - (2) A literal interpretation of this chapter or related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the critical area of Snow Hill.
 - (3) The granting of a variance will not confer upon an applicant any special privilege that would be denied by this chapter to other lands or structures within the Snow Hill critical area.
 - (4) The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property.
 - (5) The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the town's critical area, and that the granting of the variance will be in harmony with the general spirit and intent of the critical area law and the regulations adopted in this chapter.
- B. Applications for a variance will be made in writing to the Board of Zoning Appeals with a copy provided to the Maryland Chesapeake Bay Critical Area Commission.
- C. A variance will not be granted unless and until:

- (1) A completed application for a variance is submitted which demonstrates the applicability of the above criteria. In addition, requests for variances in the Critical Area Overlay District ("O") shall not be heard unless the state's Critical Area Commission has received a copy of the variance request at least two (2) weeks prior to the scheduled public hearing.
- (2) The Board of Zoning Appeals shall find that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building and structures. In making this determination as to variance requests in the critical area, the following shall be considered prior to granting a variance:
 - (a) That the granting of a variance to the buffer requirements results in new structures or impervious surfaces being located as far back from mean high water, tidal wetlands or tributary streams in the critical area as is feasible.
 - (b) That the applicant takes steps to mitigate impacts, insofar as possible, including:
 - [1] Reforestation on the site to offset disturbed forested or developed woodlands on at least an equal area basis.
 - [2] Afforestation of areas of the site so that at least fifteen percent (15%) of the gross site is forested.
 - [3] Implementation of any mitigation measures which relate to habitat protection areas as delineated in the Town of Snow Hill Critical Area Program and recommended by state agencies, included as conditions of approval.
 - (c) Prior to the grant of any variance, the Board of Appeals shall find that the proposed variance will be in harmony with the general purpose and intent of this chapter and the Town of Snow Hill Critical Area Program, that it will not result in a use not permitted in the designated land area (i.e., IDA, LDA, RCA) or an increase in the number of permitted dwelling units (i.e., density limits) in which the property subject to the variance is located and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - (d) To the extent possible based on best available information, all property owners immediately contiguous to the area of the variance shall be notified by certified mail and furnished a copy of said application.
- (3) In granting a variance, the Board of Zoning Appeals may prescribe such conditions and safeguards as it deems appropriate to comply with the intent of this chapter and the Town of Snow Hill Critical Area Program. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
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(410) 260-3460 Fax: (410) 974-5338
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APR 21 2005

LOWER EASTERN SHORE OFFICE

April 12, 2005

Mr. Saunders C. Hillyer
210 West Market Street
Snow Hill, MD 21863

RE: Shipyard Alley, Snow Hill

Dear Mr. Hillyer:

This letter is in response to the numerous questions raised regarding the proposed development of a number of existing parcels within the Town of Snow Hill. Commission staff met and reviewed the information provided to date and discussed possible future courses of action. Below is a summary of those discussions:

1. The staff has no specific concerns related to the request for growth allocation. It appears that the LDA impervious surface limitations may be a problem if the desire is to develop the site with 13 to 16 dwellings. If the site received growth allocation, the 10% pollutant reduction requirement will have to be addressed.
2. Regardless of the issue of growth allocation, the site is subject to all requirements for Habitat Protection Areas and Water-dependent facilities including the 100-foot Buffer.
3. Any development within the Buffer will require a variance. This is the case whether the property is developed as individual grandfathered parcels or as one parcel. The variance standards within the Critical Area must be met in order for a variance to be granted. The Critical Area Law was amended in 2004 to further clarify and strengthen the variance standards. The amendments also defined "unwarranted hardship" (which is one of the standards) to mean that, "without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested."
4. Neither the Town's Program nor the Critical Area Criteria have any provisions for "trading of development rights" within the Buffer. As indicated above, there is no inherent right to develop within the Buffer, even on grandfathered lots. While we

Attachment #3

Mr. Saunders C. Hillyer
April 12, 2005
Page 2 of 2

acknowledge that there are portions of three grandfathered parcels within the Buffer, it is impossible to speculate how much disturbance would occur in the Buffer if these lots were developed, as this would largely depend on a decision of the Board of Appeals.

5. It seems that the length of the review process is of particular concern due to the potential sewer allocation limitations. If growth allocation is pursued and is approved by both the Town and Worcester County, the request would be submitted to the Critical Area Commission for their review. The process for Commission review can take anywhere between 30 and 90 days, depending on the project and any unusual issues that may arise. Proposing development within the Buffer on a project involving growth allocation would likely cause concern with the Commission.
6. The variance process would involve preparation of detailed plans for the proposed development activities within the Buffer. The plans and supporting documentation would be submitted to the Town and the Town would forward a copy of the information to the Commission office for review and comment. After notice in a local newspaper, a hearing would be held. Once the Board issued a decision, there is a 30-day period in which the decision could be appealed. The decision to appeal is made by the Chairman of the Commission, with input from staff and our counsel.
7. Based on the information we have to date, it seems that the most timely alternative would be to abandon plans to develop within the Buffer, apply for growth allocation to redesignate the area to IDA, erase the lot lines and develop a site plan under a condominium regime.

I hope this letter answers some of your questions regarding the development of this property. Please contact me if you have questions or concerns.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: Kay Stroud, Town of Snow Hill
Tracey Gordy, Maryland Department of Planning



Maryland Department of Planning

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

April 25, 2005

Ms. Kelly Brewington
Town Manager
Town of Snow Hill
P.O. Box 348
Snow Hill, Maryland 21863

Re: Hillyer Growth Allocation Request

Dear Ms. ^{Kelly}Brewington:

As you are aware, at their April 12th meeting, the Mayor and Town Council elected to table their decision on the Hillyer's pending Growth Allocation request. I have not yet been notified as to when the Mayor and Council will schedule this item for a vote, but it is likely that I will already be on maternity leave. Therefore, I am sending this letter in an attempt to clarify the remainder of the process and to list the information needed for the required next steps.

The Town needs to produce a copy of the Mayor and Council minutes from the April 12th meeting. Once those minutes have been approved, a signed copy should be forwarded to my office. Kay Stroud had indicated that she would produce the minutes prior to her departure, but I do not think this happened.

- * When the Mayor and Council does put this item on the agenda, they must make their decision based upon the criteria I outlined in my April 12th memorandum to them.
- * Whether the vote is favorable or unfavorable, the Mayor and Council must address each criterion as to how the proposal either does or does not meet the intent. These will be the findings of fact for the case and they must also be drafted as a separate document in addition to the minutes from the voting meeting. I have included a copy of the findings of fact and minutes from the Planning Commission hearing for you to use as a reference. A copy of the signed findings and minutes should also be forwarded to my office.

All of this information must be in hand prior to the County scheduling this item before the County Commissioners. Once my office receives all this information, I will get in touch with Keith Lackie to see about getting this item on the County Commissioners agenda.

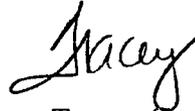
Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street • Suite 24 • Salisbury, Maryland 21801-4974
Telephone: 410.749.4618 • Fax: 410.543.6777
Internet: www.MDP.state.md.us

Attachment #4

In closing, I have attached a recent letter from the Critical Area Commission staff regarding the Hillyer's development proposal and its ability to impact the 100' Buffer. I touched on this issue in Item #4 of my April 12th memo, so you may want to share this information with the Mayor and Council.

As always, should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Tracey".

Tracey Gordy
Regional Planner/Circuit Rider

Attachment

Cc: Keith Lackie
Mr. And Mrs. Sandy Hillyer

LAW OFFICE

COWDREY, THOMPSON & KARSTEN

A PROFESSIONAL CORPORATION

ROY B. COWDREY, JR.
DAVID R. THOMPSON*
KURT D. KARSTEN*
ROBERT J. MERRIKEN*
HUGH CROPPER, IV
CURTIS H. BOOTH
BRYNJA McDIVITT BOOTH

9923 STEPHEN DECATUR HIGHWAY, #D-2

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ANNAPOLIS OFFICE
621 RIDGELY AVENUE
SUITE 402
ANNAPOLIS, MD 21401

* ADMITTED IN MD & VA

* ADMITTED IN MD & DC

May 9, 2007

Mr. Gerald T. Mason, CAO
Worcester County Commissioners
Worcester County Government Center
One West Market Street
Snow Hill, Maryland 21863

Mr. Edward A. Tudor, Director
Worcester County Department of
Development, Review & Permitting
One West Market Street
Snow Hill, Maryland 21863

Mr. Chris McCabe, Natural Resource Administrator
Worcester County Department of
Development, Review & Permitting
Worcester County Government Center
One West Market Street
Snow Hill, Maryland 21863

RE: **Growth Allocation**

Dear Gentlemen:

On May 8, 2007, the Mayor and City Council of Snow Hill passed a Resolution recommending that the award of three acres of Worcester County's Growth Allocation to reclassify property located in the Town of Snow Hill owned by Mr. and Mrs. Saunders C. Hillyer from LDA, Limited Development Area, to IDA, Intensely Developed Area.

A copy of the Resolution is attached.

The Resolution was passed following a Public Hearing.

The Town of Snow Hill Planning Commission also recommended the award of growth allocation, and a copy of their Minutes are attached.

May 9, 2007
Page Two

I am sure the Town of Snow Hill will be sending you the Resolution directly, but in the meantime, if you require any further information about the project, please do not hesitate to contact me.

Thank you.

Very truly yours,



Hugh Cropper, IV

HC/tgb
Enclosure

CC: Kelly Brewington, Town Manger
Karen Houtman, Town Planner
Mr. and Mrs. Saunders C. Hillyer

LAW OFFICE

COWDREY, THOMPSON & KARSTEN

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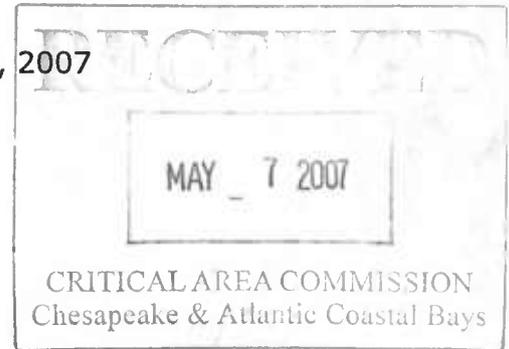
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EASTON, MD 21601

ANNAPOLIS OFFICE
621 RIDGELY AVENUE
SUITE 402
ANNAPOLIS, MD 21401

May 2, 2007



Ms. Karen Houtman, Town Planner
Town of Snow Hill
103 Bank Street
Snow Hill, Maryland 21863

RE: **Shipyard Alley Growth Allocation**

Dear Ms. Houtman:

I would like to follow-up on a couple of the items referenced in your April 18, 2007 correspondence to Mr. Marshall Johnson at the State of Maryland, Critical Area Commission.

With regard to paragraph three, I have asked our wetland consultant to prepare correspondence summarizing his methodology in reaching the wetlands determinations.

With regard to paragraph five, I have asked our landscape architect to prepare a preliminary, conceptual Buffer Planting Plan.

With regard to paragraph six, it is the developer's intent to preserve the Buffer as common open space.

It is my recommendation to the developer that we draft a Declaration of Covenants to be recorded among the Land Records. The Declaration of Covenants should bind future owners, and be referenced in future deeds for any lots at the property.

The Declaration of Covenants will describe in specific terms how the Buffer is to be protected, in a language suitable to the Town of Snow Hill and the Critical Area Commission.

I have drafted these documents in the past, and I have received the approval of the Attorney General's Office on behalf of the Critical Area Commission on other such documents.

Ms. Karen Houtman
May 2, 2007
Page Two

If you need anything further, please do not hesitate to contact me.

Very truly yours,



Hugh Cropper, IV

HC/tgb
Enclosure

CC: Marshall Johnson, State of Maryland, Critical Area Commission
Spencer F. Rowe
R.D. Hand
Saunders C. Hillyer

LAW OFFICE
COWDREY, THOMPSON & KARSTEN
A PROFESSIONAL CORPORATION

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EASTON, MD 21601

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SUITE 402
ANNAPOLIS, MD 21401

February 12, 2007

Town of Snow Hill Planning Commission
Attn: Ms. Karen Houtman, Town Planner
103 Bank Street
Snow Hill, Maryland 21863

RECEIVED

MAR 12 2007

RE: **Shipyard Alley, Parcel 142, 141, 140, and 139**

CRITICAL AREA COMMISSION

Dear Ms. Houtman:

Mr. and Mrs. Saunders C. Hillyer previously applied to the Town of Snow Hill, Planning Commission, to reclassify approximately 3.1 acres of their property known as Shipyard Alley from Limited Development Area ("LDA") to Intensely Developed Area ("IDA").

A Public Hearing was held before the Planning Commission on April 4, 2005, and a recommendation to approve the reclassification was approved on April 8, 2005.

A copy of the Minutes from that meeting are attached for review.

A copy of a Memorandum from Maryland Department of Planning in support of the request is attached, and a copy of the Findings of Fact from the Planning Commission is also attached for your review.

At the time, it was contemplated that the application would proceed directly to the Mayor and City Council. As I read the Code, the next step is submission of the matter to the State of Maryland, Critical Area Commission.

The Critical Area Commission did comment on the application on April 12, 2005, and a copy of the letter from LeAnne Chandler, Natural Resources Planner, is attached for your review.

I am not sure if the letter constitutes approval of the Critical Area Commission as contemplated by your Code; certainly, the comments are favorable.

Ms. Karen Houtman
February 12, 2007
Page Two

In fact, Ms. Chandler states in paragraph 7 of her letter (page 2) "... it seems that the most timely alternative would be to abandon plans to develop within the Buffer, apply for growth allocation to re-designate the area to IDA, erase the lot lines and develop a site plan under a condominium regime."

Since the drafting of the letter, the Town of Snow Hill has adopted new regulations regarding cluster subdivisions. The condominium regime is no longer necessary. The applicant can do the exact same thing by virtue of a subdivision under the cluster regulations. However, the concept is the same.

If required, would you please submit the matter to the State of Maryland, Critical Area Commission as set forth in the Code.

If Ms. Chandler's letter suffices, would you please set the matter for a Public Hearing before the Mayor and City Council of Snow Hill.

As always, I want to thank you for your kind consideration.

Very truly yours,



Hugh Cropper, IV

HC/tgb

CC: Mr. and Mrs. Saunders C. Hillyer
R.D. Hand & Associates, Inc.



MAYOR AND COUNCIL OF SNOW HILL

Planning and Zoning Commission
Growth Allocation Hearing and Action
Public Hearing – April 4, 2005
Recommending Vote – April 8, 2005
MINUTES

RECEIVED

MAR 12 2007

CRITICAL AREA COMMISSION

Chairperson Anne Taylor called the meeting to order at 7:30 PM. Since this was only a public hearing, a quorum was not necessary. Member Ed Haile was present. Sandy Hillyer is applicant in this action, therefore recusing himself. Randy Coates will represent Mr. Hillyer in the future, so he recused himself as well. Member Joe Ingolia was unavailable. Tracey Gordy, Critical Area representative of the Maryland Department of Planning, and Kay Stroud, Town Staff, was present. In the audience were Mr. and Mrs. Charles Norris, adjacent property owners, and Becky Jones, interested citizen.

Tracey Gordy presented a staff report giving criteria for the requested change from LDA (Limited Developed Area) to IDA (Intensely Developed Area). She explained the eight factors to be considered according to §72-11 of the Town's Critical Area ordinance. She also gave past history of the property with respect to former property owners and their actions to subdivide and reclassify.

Public comment was made by Mr. and Mrs. Charles Norris, adjacent property owners at 302 W. Market Street. Their concerns about excess water run-off with future development were heard. Their concern about possible building in the buffer was also heard; however that issue will become important in future hearings more than this one.

With no further comment, this meeting was adjourned.

On April 8, 2005, Member Joe Ingolia came in and listened to the Public Hearing tape in its entirety. A quorum convened at 1 PM consisting of Mr. Ingolia, Mrs. Taylor and Mr. Haile. Mr. Ingolia commented that a precedent for seeking growth allocation had been set in the past with the Burbage Funeral Home case. Mr. Haile motioned to recommend to Mayor and Council that growth allocation from the County be used to reclassify the subject lands from LDA to IDA. Joe Ingolia seconded. The vote was unanimous, and therefore the Planning and Zoning Commission will formally recommend the use of Worcester County Growth Allocation to reclassify the lands from LDA to IDA.

The meeting was adjourned.

Anne H. Taylor

Municipal Building • P.O. Box 348 • Snow Hill, Maryland 21863
Telephone: 410-632-2080 Fax: 410-632-2858



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MAR 12 2007

MAYOR AND COUNCIL OF SNOW HILL CRITICAL AREA COMMISSION

**Planning and Zoning Commission
Shipyard Alley LLC Growth Allocation Request
FINDINGS OF FACT
April 8, 2005 at 1 pm, Town Hall**

The Snow Hill Planning and Zoning Commission met on April 8, 2005 at 1 PM at Town Hall to move forward on a formal recommendation to Mayor and Council for the use of Growth Allocation to reclassify lands of Tax Map 200, Parcels 139 (lots 1-4), 140, 141, and 142 from LDA to IDA.

§72-11 of the Town's Critical Area ordinance mandates the findings of the following facts:

- A. **The Snow Hill Code states that, "The Planning Commission will receive and consider and may give preliminary approval to all applications for new designations of intensely developed areas or limited developed areas provided that adequate growth allocation has been received for Worcester County."**

The Planning Commission has found that Keith Lackie, Natural Resources Coordinator for Worcester County, has indicated there is adequate growth allocation available if the Town recommends this request.

The following guidelines must also be considered:

- (1) New intensely developed areas should be located in limited development areas or adjacent to existing intensely developed areas.**

The Planning Commission has established that the subject properties are currently designated LDA and is also adjacent to an existing LDA.

- (2) New limited development areas should be located adjacent to existing limited development or intensely developed areas.**

Not applicable.

- (3) No more than one-half of the allocated expansion to intensely developed or limited development areas may be located in resource conservation areas.**

Not applicable.

- (4) New intensely developed areas and limited development areas should be so located in order to minimize impacts to habitat protection areas as specified in this chapter and in an area and in a manner that optimizes benefits to water quality.**

The primary habitat area of concern is the 100' Buffer. The Planning Commission finds that it is the applicant's intention to keep as much development out of the Buffer as possible, whether at the main stem along the River or the gut that is located on the left side of the property next to the Park.

- (5) New intensely developed areas should be located where they minimize their impacts to the defined land uses of the resource conservation areas.**

The Planning Commission has found that this project will involve only residential development and will not result in more than 16 dwelling units on the entire 3.1 acres. Residential uses are a permitted use in the RCA and are preferred over commercial, institutional and/or industrial uses.

- (6) New intensely developed areas and limited development areas in the resource conservation area should be located at least three hundred feet beyond the landward edge of tidal wetlands or tidal waters.**

Not applicable.

- (7) When planning future expansion of intensely developed and limited development areas, the Town will consult with Worcester County, as appropriate.**

The Planning Commission has found that Worcester County's agent has already been consulted and understands that the Worcester County Commissioners will ultimately hear the request and make a recommendation to the Critical Area Commission in Annapolis.

- (8) Resource conservation areas or portions of such areas that are redesignated as new intensely development areas shall conform to all requirements of this chapter relating to such redesignated areas. Any such new areas shall be so designated on the Critical Area map of Snow Hill and shall constitute an amendment to this chapter.**

The Planning Commission has found that this request is not within a resource conservation area; therefore this portion of #8 is not applicable. If this request is successfully approved, the Snow Hill Critical Area maps will be amended accordingly.

Upon hearing of public comment at this session and consideration of the above criteria, the Planning Commission finds that the recommendation to apply for 3.1 acres of Growth Allocation from Worcester County be forwarded to Mayor and Council. The application was advertised in a newspaper of local circulation, the Worcester County Times, and posted on Town bulletin boards and onsite.

The Public Hearing tonight at 7 PM by Mayor and Council will satisfy the next step of this process.

Anne St. Taylor



Maryland Department of Planning

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

Florence E. Burtan
Deputy Secretary

MEMORANDUM

To: Snow Hill Planning Commission
From: Tracey Gordy, MDP Regional Planner/Circuit Rider 
Date: April 4, 2005
Re: Hillyer Growth Allocation Request

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MAR 12 2007

CRITICAL AREA COMMISSION

I have reviewed Mr. and Mrs. Hillyer's growth allocation request with respect to the Town of Snow Hill's Critical Area Ordinance requirements contained in §72-11 of the Snow Hill Code for the designation of new Intensely Developed Areas (IDAs) and Limited Development Area (LDAs), and offer the following comments for your consideration:

- A. **The Snow Hill Code states that, "The Planning Commission will receive and consider and may give preliminary approval to all applications for new designations of intensely developed areas or limited development areas, provided that adequate growth allocation has been received for Worcester County".**

I have spoken with Keith Lackie, Natural Resources Coordinator for Worcester County, and he indicated that there is adequate County growth allocation available if the Town decides to support this request.

The Snow Hill Code further states that in reviewing applications for growth allocation, the Planning Commission shall use the following guidelines:

- (1) **New intensely developed areas should be located in limited development areas or adjacent to existing intensely developed areas.**

The subject properties are designated as a Limited Development Area (LDA) and are also adjacent to an existing Limited Development Area (LDA).

- (2) **New limited development areas should be located adjacent to existing limited development areas or intensely developed areas.**

Not applicable.

Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street • Suite 24 • Salisbury, Maryland 21801-4974
Telephone: 410.749.4618 • Fax: 410.543.6777
Internet: www.MDP.state.md.us

- (3) No more than one-half of the allocated expansion to intensely developed or limited development areas may be located in resource conservation areas.**

Not applicable.

- (4) New intensely developed areas and limited development areas should be so located in order to minimize impacts to habitat protection areas as specified in this chapter and in an area and in a manner that optimizes benefits to water quality.**

There are no known rare, threatened, or endangered species on or adjacent to these properties. There are some tidal wetland areas along the shoreline of the Hillyer's homesite, but that property is not included in this request. The primary habitat protection area of concern is the 100' Buffer. It is the Hillyer's intention to keep as much of the development outside of the 100' Buffer as possible. There is an ongoing question about existing grandfathered development rights within the Buffer and the possibility of "trading" those rights to another, less sensitive Buffer location, but that proposal is still being reviewed by the Critical Area Commission staff. (This matter will be explained in more detail during the public hearing)

- (5) New intensely developed areas should be located where they minimize their impacts to the defined land uses of the resource conservation areas.**

This project will involve only residential development and will not result in more than 16 dwelling units on the entire 3.1 acres. Residential uses are a permitted use in the RCA and are preferred over commercial, institutional and/or industrial uses.

- (6) New intensely developed areas and limited development areas in the resource conservation area should be located at least three hundred feet beyond the landward edge of tidal wetlands or tidal waters.**

Not applicable.

- (7) When planning future expansion of intensely developed and limited development areas, the Town will consult with Worcester County, as appropriate.**

As previously mentioned, I have discussed this request with the Worcester County Natural Resources Coordinator and he does not foresee a problem with the growth allocation request. Ultimately, the Worcester County Commissioners will hear the request and make a recommendation to the Critical Area Commission in Annapolis.

(8) Resource conservation areas or portions of such areas that are redesignated as new intensely developed or limited development areas shall conform to all requirements of this chapter relating to such redesignated areas. Any such new areas shall be so designated on the Critical Area map of Snow Hill and shall constitute an amendment to this chapter.

This request is not within a resource conservation area, so that portion of item #8 is not applicable. If the Snow Hill Mayor and Council, Worcester County Commissioners, and the Critical Area Commission recommend this request for approval, then the Snow Hill Critical Area maps will be amended accordingly.

With the exception of the outstanding Buffer trade issue, it appears as if this proposal meets all of the applicable requirements for growth allocation requests as outlined in Snow Hill's Critical Area Ordinance.

Upon the Planning Commission's review and consideration of the guidelines listed in this memorandum, the Planning Commission is to make findings and justifications as to why any recommendation or denial of a new designation is justified. Those findings will be forwarded to the Mayor and Town Council for their public hearing scheduled for April 12, 2005.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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MD. DEPARTMENT OF PLANNING

APR 21 2005

LOWER EASTERN SHORE OFFICE

April 12, 2005

Mr. Saunders C. Hillyer
210 West Market Street
Snow Hill, MD 21863

RECEIVED

MAR 12 2007

CRITICAL AREA COMMISSION

RE: Shipyard Alley, Snow Hill

Dear Mr. Hillyer:

This letter is in response to the numerous questions raised regarding the proposed development of a number of existing parcels within the Town of Snow Hill. Commission staff met and reviewed the information provided to date and discussed possible future courses of action. Below is a summary of those discussions:

1. The staff has no specific concerns related to the request for growth allocation. It appears that the LDA impervious surface limitations may be a problem if the desire is to develop the site with 13 to 16 dwellings. If the site received growth allocation, the 10% pollutant reduction requirement will have to be addressed.
2. Regardless of the issue of growth allocation, the site is subject to all requirements for Habitat Protection Areas and Water-dependent facilities including the 100-foot Buffer.
3. Any development within the Buffer will require a variance. This is the case whether the property is developed as individual grandfathered parcels or as one parcel. The variance standards within the Critical Area must be met in order for a variance to be granted. The Critical Area Law was amended in 2004 to further clarify and strengthen the variance standards. The amendments also defined "unwarranted hardship" (which is one of the standards) to mean that, "without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested."
4. Neither the Town's Program nor the Critical Area Criteria have any provisions for "trading of development rights" within the Buffer. As indicated above, there is no inherent right to develop within the Buffer, even on grandfathered lots. While we

Mr. Saunders C. Hillyer
April 12, 2005
Page 2 of 2

acknowledge that there are portions of three grandfathered parcels within the Buffer, it is impossible to speculate how much disturbance would occur in the Buffer if these lots were developed, as this would largely depend on a decision of the Board of Appeals.

5. It seems that the length of the review process is of particular concern due to the potential sewer allocation limitations. If growth allocation is pursued and is approved by both the Town and Worcester County, the request would be submitted to the Critical Area Commission for their review. The process for Commission review can take anywhere between 30 and 90 days, depending on the project and any unusual issues that may arise. Proposing development within the Buffer on a project involving growth allocation would likely cause concern with the Commission.
6. The variance process would involve preparation of detailed plans for the proposed development activities within the Buffer. The plans and supporting documentation would be submitted to the Town and the Town would forward a copy of the information to the Commission office for review and comment. After notice in a local newspaper, a hearing would be held. Once the Board issued a decision, there is a 30-day period in which the decision could be appealed. The decision to appeal is made by the Chairman of the Commission, with input from staff and our counsel.
7. Based on the information we have to date, it seems that the most timely alternative would be to abandon plans to develop within the Buffer, apply for growth allocation to redesignate the area to IDA, erase the lot lines and develop a site plan under a condominium regime.

I hope this letter answers some of your questions regarding the development of this property. Please contact me if you have questions or concerns.

Sincerely,


LeeAnne Chandler

Natural Resources Planner

cc: Kay Stroud, Town of Snow Hill
Tracey Gordy, Maryland Department of Planning

Karen Houtman

From: Chris McCabe [cmccabe@co.worcester.md.us]
Sent: Monday, February 26, 2007 12:40 PM
To: Karen Houtman
Subject: RE: Shipyard Alley

Total amount of Growth Allocation is 451.16 acres in Chesapeake Bay Critical Area. If you need anything else, let me know...

From: Karen Houtman [mailto:houtman@snowhillmd.com]
Sent: Monday, February 26, 2007 11:43 AM
To: Chris McCabe
Subject: Shipyard Alley

Chris,

Hope you got my phone message. Mr. Sandy Hillyer is interested in moving forward with his growth allocation request. Please forward me confirmation that growth allocation is available from the county for this project. Since, the Mayor and Council did not move this forward to the county due to outstanding issues I assume it must go back to Mayor and Council for another Public Hearing. Then if Mayor and Council approve of application they may forward the application to the county with Concept Site Plan, the Town's staff report, Planning Commission minutes and recommendation and Council's minutes and recommendation. This I understand will also need a cover memo from the Town Manager to County Commissioners (Chris McCabe's attention) requesting 3.1 acres of growth allocation. I will fax what was submitted on February 12, 2007 to town staff.

Karen Houtman, Planner
Town of Snow Hill
P O Box 348
103 Bank Street
Snow Hill, MD 21863

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2/26/2007

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ANNAPOLIS OFFICE
621 RIDGELY AVENUE
SUITE 402
ANNAPOLIS, MD 21401

February 8, 2007

Mr. Edward A. Tudor, Director
Worcester County Department of
Development, Review & Permitting
One West Market Street
Snow Hill, Maryland 21863

RE: **Shipyard Alley**

Dear Mr. Tudor:

I propose to reclassify three (3) acres located on the west side of Market Street in the Town of Snow Hill from LDA to IDA, which requires growth allocation. Pursuant to the Town of Snow Hill Code, the matter is first submitted to the Town of Snow Hill Planning Commission.

A copy of the existing conditions and concept plat will be forwarded to you shortly.

I just wanted to keep you up to date on this application.

According to the Town of Snow Hill Code, the Town of Snow Hill will consult with you in the future on this process.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Hugh Cropper, IV

HC/tgb

CC: ✓ Chris McCable, NRA, Worcester County
Karen Houtman, Planner, Town of Snow Hill
Shipyard Alley, LLC, Attn: Sandy Hillyer



MAYOR AND COUNCIL OF SNOW HILL

November 1, 2007

Honorable Margaret McHale, Chair
Maryland Critical Area Commission
1804 West Street, Suite 100
Annapolis, Maryland 21401

Re: Shipyard Alley – Plant Survey per Wildlife and Heritage Letter

Dear Ms. Mc Hale:

Please find enclosed a copy of the plant survey Mr. Hillyer had prepared by Mr. Ronald Wilson of Delmarva Botanical Surveys. Please have your staff review his report and let us know if any thing else is required. Thank you.

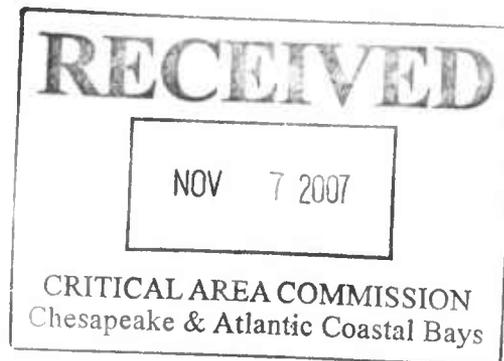
Sincerely,

Karen Houtman
Planner

Kh

Enclosure: Delmarva Botanical Surveys letter dated November 4, 2007

cc: Saunders Hillyer





Ronald M. Wilson
3740 Ridge Road
Snow Hill, MD 21863
Phone: 410-632-3892
FAX: 410-632-0292
Email: rmwilson@comcast.net

Delmarva Botanical Surveys

November 4, 2007

Mr. Saunders C. Hillyer
210 W. Market Street
Snow Hill, MD 21863

Dear Mr. Hillyer:

This letter is in response to concerns of the Maryland DNR Wildlife and Heritage Service that Rare, Threatened, and Endangered (RTE) plant species could be present on your Shipyard Alley, LLC property in Snow Hill. In their environmental review dated October 9, 2006, two species were identified as having been found in the vicinity of the project site. These were the Wild Lupine (*Lupinus perennis*) and the Halberd-leaved Greenbrier (*Smilax pseudochina*).

To evaluate the possibility of these or any other RTE species being present on the site, a survey was performed on November 2, 2007 by Ron Wilson of Delmarva Botanical Surveys. Approximately 2 hours were spent looking at the site in general and specifically in the area of the shoreline. Several previous visits had also been made to the site in early May of 2007.

The Shipyard Alley, LLC parcels include three house lots along Market Street. The remainder of the site is adjacent to the Pocomoke River and would provide the only possible habitat for RTE species. Much of this remaining land was historically a swamp, but it has since been filled and cleared. The created uplands have been maintained as lawns and several Cypress (*Taxodium distichum*) and Loblolly Pines (*Pinus taeda*) have been planted in the ensuing years. At least 3 champion (DBH > 30 inches) Cypress trees that pre-date the filling are still present. Much of the shoreline has been bulkheaded or stabilized with rip-rap.

As might be expected, the compacted fill material that is now covered with grass is poor habitat for any RTE species. Along the immediate shoreline, however, mowing has not been done recently. As a result, a snarl of mostly alien species has developed in the area. The dominant plants here were the highly invasive Porcelain-berry (*Ampelopsis brevipedunculata*), Japanese Wisteria (*Wisteria floribunda*), and Sweet Autumn Clematis (*Clematis terniflora*). Other undesirable aliens found in this zone include Tree-of-Heaven (*Ailanthus altissima*), Black Nightshade (*Solanum nigrum.*), Asiatic Dayflower (*Commelina communis*), and Ground Ivy (*Glechoma hederacea*). Views of this habitat zone can be seen in Photo 1 taken facing NNW from Photo Point #1 (See Site Map).

A small portion of the Northeastern corner of the site was delineated as wetlands by Spencer Rowe. A thick cover of invasive species was found here as well, but in spite of this, a few hardy native plants managed to squeeze into this area. These included Jewelweed (*Impatiens capensis*), Silky Dogwood (*Cornus amomum*), Swamp Rose (*Rosa palustris*), and New York Aster (*Aster novae-belgii*). The heavy disturbance regime in this area, however, has left the habitat unsuitable for any but the hardiest of species. A view of the wetlands area can be seen in Photo 2 taken facing NE from Photo Point #2 (See Site Map). A view of the rip-rap along this shoreline can be seen in Photo 3 taken facing NE from Photo Point #3 (See Site Map). The remainder of the immediate shoreline area was too choked with invasives to have any possibility of RTE species.

To summarize, no RTE plant species were found on the site. There was absolutely no habitat available for the Wild Lupine, which requires dry, sandy, xeric conditions. Because of the filling and rip-rap along the shoreline, any habitat that might have existed for the Halberd-leaved Greenbrier is no longer present. An aggressive program should be undertaken to eradicate/control the serious invasive species mentioned above.

Sincerely,



Ronald M. Wilson
Field Botanist
Delmarva Botanical Surveys

Enclosures (4)



MAYOR AND COUNCIL OF SNOW HILL

May 16, 2007

Mr. Gerald T. Mason, Chief Administrative Officer
Worcester County Commissioners
Government Center
1 W. Market Street
Snow Hill, MD 21863

Re: Shipyard Alley Growth Allocation

Dear Mr. Mason:

The Mayor and Council of Snow Hill signed Resolution 2007-3 on May 8, 2007 recommending the award of 3.0 acres of Worcester County's Growth Allocation to the Shipyard Alley project enabling it to go from LDA to IDA with regard to critical area designation. Enclosed are the following items: site plan, Resolution 2007-3, Exhibits 1-6 from public hearing, letter from Critical Area Commission staff dated April 9, 2007 and letter from town planner dated April 18, 2007 and staff report. Please initiate this project in the county's growth allocation process and notify staff and the applicant of any meetings that require attendance.

Please note that this is the town's first cluster development under the provisions outlined in town code per section 200-79.1. This project meets the cluster provisions, in that, it does not exceed density allowed in the R-2 district, 38% of site reserved as open space (includes tidewater buffer) the code only requires 30%, development outside of buffer contributes to better water quality of the Pocomoke River and plantings within buffer will reduce temperature of storm water as released, wetlands will not be disturbed, development will comply with historic district guidelines and buffer plantings will provide habitat. Should you have any questions do not hesitate to contact met at 410-632-2080.

Sincerely,

Karen Houtman
Planner

Kh

Enclosures

cc: Marshall Johnson, Critical Area Commission
Chris McCabe, Natural Resources Planner
Attorney Hugh Cropper IV
Mr. and Mrs. Saunders Hillyer

RECEIVED

NOV 5 2007

CRITICAL AREA COMMISSION

RESOLUTION 2007-3

A RESOLUTION RECOMMENDING THE AWARD OF 3.0 ACRES OF WORCESTER COUNTY'S GROWTH ALLOCATION TO RECLASSIFY PARCEL 139 (LOT 1-4), 140, 141, AND 142 ON TAX MAP 200 OWNED BY MR. AND MRS. SAUNDERS C. HILLYER FROM LDA, LIMITED DEVELOPMENT AREA TO IDA, INTENSELY DEVELOPED AREA.

WHEREAS, the Planning Commission for the Town of Snow Hill has recommended the award of growth allocation totaling 3.0 acres to "Shipyard Alley" identified as Tax Map 200, Parcel 139 (Lot 1-4), 140, 141 and 142, in order for the critical area designation to be amended from LDA, Limited Development Area to IDA, Intensely Developed Area; and

WHEREAS, the Commission has given due consideration to the amendment with regard to the Critical Area Ordinance known as Chapter 72 and more specifically section 72-25 titled "Amendments" and Section 72-11 titled "Designation of new intensely developed and limited development areas"; and

WHEREAS, pursuant to authority of Natural Resources Article, §8-1808 of the Annotated Code of Maryland, the Town of Snow Hill may authorize the use of growth allocation; and

WHEREAS, the Planning Commission, after due notice, held a public hearing concerning these amendments on April 4, 2005 and again reviewed their findings of fact with the re-submittal made on February 26, 2007 and has considered all comments received; and

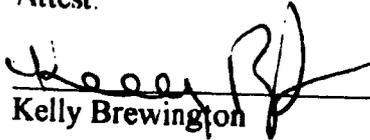
WHEREAS, the Mayor and Council, after due notice, held public hearings concerning this growth allocation amendment on April 12, 2005 and May 8, 2007 and considered all comments received.

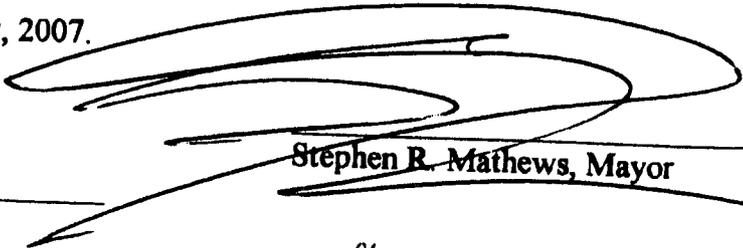
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Snow Hill that this growth allocation shall be forwarded to the County Commissioners of Worcester County requesting 3.0 acres of Worcester County's Growth Allocation to amend the critical area designation of Parcels 139 (lot 1-4), 140, 141, 142 on Parcel 200 from LDA, Limited Development Area to IDA, Intensely Developed Area.

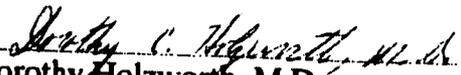
This Resolution shall be effective immediately upon its adoption by the Mayor and Council.

Adopted this 9th day of May, 2007.

Attest:


Kelly Brewington


Stephen R. Mathews, Mayor


Dorothy Holzworth, M.D.
Central District Council Person


Rita Williams
Western District Council Person


Eric Mullins
Eastern District Council Person



Maryland Department of Planning

Robert L. Ebrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

Florence B. Burlan
Deputy Secretary

MEMORANDUM

To: Snow Hill Planning Commission
From: Tracey Gordy, MDP Regional Planner/Circuit Rider 
Date: April 4, 2005
Re: Hillyer Growth Allocation Request

I have reviewed Mr. and Mrs. Hillyer's growth allocation request with respect to the Town of Snow Hill's Critical Area Ordinance requirements contained in §72-11 of the Snow Hill Code for the designation of new Intensely Developed Areas (IDAs) and Limited Development Area (LDAs), and offer the following comments for your consideration:

- A. **The Snow Hill Code states that, "The Planning Commission will receive and consider and may give preliminary approval to all applications for new designations of intensely developed areas or limited development areas, provided that adequate growth allocation has been received for Worcester County".**

I have spoken with Keith Lackie, Natural Resources Coordinator for Worcester County, and he indicated that there is adequate County growth allocation available if the Town decides to support this request.

The Snow Hill Code further states that in reviewing applications for growth allocation, the Planning Commission shall use the following guidelines:

- (1) **New intensely developed areas should be located in limited development areas or adjacent to existing intensely developed areas.**

The subject properties are designated as a Limited Development Area (LDA) and are also adjacent to an existing Limited Development Area (LDA).

- (2) **New limited development areas should be located adjacent to existing limited development areas or intensely developed areas.**

Not applicable.

- (3) No more than one-half of the allocated expansion to intensely developed or limited development areas may be located in resource conservation areas.**

Not applicable.

- (4) New intensely developed areas and limited development areas should be so located in order to minimize impacts to habitat protection areas as specified in this chapter and in an area and in a manner that optimizes benefits to water quality.**

There are no known rare, threatened, or endangered species on or adjacent to these properties. There are some tidal wetland areas along the shoreline of the Hillyer's homesite, but that property is not included in this request. The primary habitat protection area of concern is the 100' Buffer. It is the Hillyer's intention to keep as much of the development outside of the 100' Buffer as possible. There is an ongoing question about existing grandfathered development rights within the Buffer and the possibility of "trading" those rights to another, less sensitive Buffer location, but that proposal is still being reviewed by the Critical Area Commission staff. (This matter will be explained in more detail during the public hearing)

- (5) New intensely developed areas should be located where they minimize their impacts to the defined land uses of the resource conservation areas.**

This project will involve only residential development and will not result in more than 16 dwelling units on the entire 3.1 acres. Residential uses are a permitted use in the RCA and are preferred over commercial, institutional and/or industrial uses.

- (6) New intensely developed areas and limited development areas in the resource conservation area should be located at least three hundred feet beyond the landward edge of tidal wetlands or tidal waters.**

Not applicable.

- (7) When planning future expansion of intensely developed and limited development areas, the Town will consult with Worcester County, as appropriate.**

As previously mentioned, I have discussed this request with the Worcester County Natural Resources Coordinator and he does not foresee a problem with the growth allocation request. Ultimately, the Worcester County Commissioners will hear the request and make a recommendation to the Critical Area Commission in Annapolis.

(8) Resource conservation areas or portions of such areas that are redesignated as new intensely developed or limited development areas shall conform to all requirements of this chapter relating to such redesignated areas. Any such new areas shall be so designated on the Critical Area map of Snow Hill and shall constitute an amendment to this chapter.

This request is not within a resource conservation area, so that portion of item #8 is not applicable. If the Snow Hill Mayor and Council, Worcester County Commissioners, and the Critical Area Commission recommend this request for approval, then the Snow Hill Critical Area maps will be amended accordingly.

With the exception of the outstanding Buffer trade issue, it appears as if this proposal meets all of the applicable requirements for growth allocation requests as outlined in Snow Hill's Critical Area Ordinance.

Upon the Planning Commission's review and consideration of the guidelines listed in this memorandum, the Planning Commission is to make findings and justifications as to why any recommendation or denial of a new designation is justified. Those findings will be forwarded to the Mayor and Town Council for their public hearing scheduled for April 12, 2005.



MAYOR AND COUNCIL OF SNOW HILL

**Planning and Zoning Commission
Growth Allocation Hearing and Action
Public Hearing – April 4, 2005
Recommending Vote – April 8, 2005
MINUTES**

Chairperson Anne Taylor called the meeting to order at 7:30 PM. Since this was only a public hearing, a quorum was not necessary. Member Ed Haile was present. Sandy Hillyer is applicant in this action, therefore recusing himself. Randy Coates will represent Mr. Hillyer in the future, so he recused himself as well. Member Joe Ingolia was unavailable. Tracey Gordy, Critical Area representative of the Maryland Department of Planning, and Kay Stroud, Town Staff, was present. In the audience were Mr. and Mrs. Charles Norris, adjacent property owners, and Becky Jones, interested citizen.

Tracey Gordy presented a staff report giving criteria for the requested change from LDA (Limited Developed Area) to IDA (Intensely Developed Area). She explained the eight factors to be considered according to §72-11 of the Town's Critical Area ordinance. She also gave past history of the property with respect to former property owners and their actions to subdivide and reclassify.

Public comment was made by Mr. and Mrs. Charles Norris, adjacent property owners at 302 W. Market Street. Their concerns about excess water run-off with future development were heard. Their concern about possible building in the buffer was also heard; however that issue will become important in future hearings more than this one.

With no further comment, this meeting was adjourned.

On April 8, 2005, Member Joe Ingolia came in and listened to the Public Hearing tape in its entirety. A quorum convened at 1 PM consisting of Mr. Ingolia, Mrs. Taylor and Mr. Haile. Mr. Ingolia commented that a precedent for seeking growth allocation had been set in the past with the Burbage Funeral Home case. Mr. Haile motioned to recommend to Mayor and Council that growth allocation from the County be used to reclassify the subject lands from LDA to IDA. Joe Ingolia seconded. The vote was unanimous, and therefore the Planning and Zoning Commission will formally recommend the use of Worcester County Growth Allocation to reclassify the lands from LDA to IDA.

The meeting was adjourned.

Anne H. Taylor



MAYOR AND COUNCIL OF SNOW HILL

**Planning and Zoning Commission
Shipyard Alley LLC Growth Allocation Request
FINDINGS OF FACT
April 8, 2005 at 1 pm, Town Hall**

The Snow Hill Planning and Zoning Commission met on April 8, 2005 at 1 PM at Town Hall to move forward on a formal recommendation to Mayor and Council for the use of Growth Allocation to reclassify lands of Tax Map 200, Parcels 139 (lots 1-4), 140, 141, and 142 from LDA to IDA.

§72-11 of the Town's Critical Area ordinance mandates the findings of the following facts:

- A. **The Snow Hill Code states that, "The Planning Commission will receive and consider and may give preliminary approval to all applications for new designations of intensely developed areas or limited developed areas provided that adequate growth allocation has been received for Worcester County."**

The Planning Commission has found that Keith Lackie, Natural Resources Coordinator for Worcester County, has indicated there is adequate growth allocation available if the Town recommends this request.

The following guidelines must also be considered:

- (1) **New intensely developed areas should be located in limited development areas or adjacent to existing intensely developed areas.**

The Planning Commission has established that the subject properties are currently designated LDA and is also adjacent to an existing LDA.

- (2) **New limited development areas should be located adjacent to existing limited development or intensely developed areas.**

Not applicable.

- (3) No more than one-half of the allocated expansion to intensely developed or limited development areas may be located in resource conservation areas.**

Not applicable.

- (4) New intensely developed areas and limited development areas should be so located in order to minimize impacts to habitat protection areas as specified in this chapter and in an area and in a manner that optimizes benefits to water quality.**

The primary habitat area of concern is the 100' Buffer. The Planning Commission finds that it is the applicant's intention to keep as much development out of the Buffer as possible, whether at the main stem along the River or the gut that is located on the left side of the property next to the Park.

- (5) New intensely developed areas should be located where they minimize their impacts to the defined land uses of the resource conservation areas.**

The Planning Commission has found that this project will involve only residential development and will not result in more than 16 dwelling units on the entire 3.1 acres. Residential uses are a permitted use in the RCA and are preferred over commercial, institutional and/or industrial uses.

- (6) New intensely developed areas and limited development areas in the resource conservation area should be located at least three hundred feet beyond the landward edge of tidal wetlands or tidal waters.**

Not applicable.

- (7) When planning future expansion of intensely developed and limited development areas, the Town will consult with Worcester County, as appropriate.**

The Planning Commission has found that Worcester County's agent has already been consulted and understands that the Worcester County Commissioners will ultimately hear the request and make a recommendation to the Critical Area Commission in Annapolis.

- (8) Resource conservation areas or portions of such areas that are redesignated as new intensely development areas shall conform to all requirements of this chapter relating to such redesignated areas. Any such new areas shall be so designated on the Critical Area map of Snow Hill and shall constitute an amendment to this chapter.**

The Planning Commission has found that this request is not within a resource conservation area; therefore this portion of #8 is not applicable. If this request is successfully approved, the Snow Hill Critical Area maps will be amended accordingly.

Upon hearing of public comment at this session and consideration of the above criteria, the Planning Commission finds that the recommendation to apply for 3.1 acres of Growth Allocation from Worcester County be forwarded to Mayor and Council. The application was advertised in a newspaper of local circulation, the Worcester County Times, and posted on Town bulletin boards and onsite.

The Public Hearing tonight at 7 PM by Mayor and Council will satisfy the next step of this process.

Anne St. Taylor

Statement of Joseph W. Fehrer, Jr.

Snow Hill Town Council

Public Hearing on the Proposed Reclassification of Shipyard Alley from Limited Development Area to Intensely Developed Area Pursuant to the Chesapeake Bay Critical Area Criteria

May 8, 2007

I regret that I am not able to appear in person, but prior out-of-town commitments prevent me from doing so. I would appreciate it if you would nevertheless consider my written statement. At the outset I want to emphasize that I am speaking as a private citizen and not on behalf of any organization with which I may be associated.

I urge the Town Council to support the proposed reclassification of Shipyard Alley from Limited Development Area to Intensely Developed Area. Shipyard Alley is requesting reclassification of its three acre site from LDA to IDA to facilitate compliance with the Critical Area criteria governing stormwater management.

As you may expect, I view the project primarily from the perspective of its environmental compatibility with its setting and its potential impacts on the Pocomoke River. Although I am not a proponent of growth as we have seen it across the county, I am generally supportive of infill development in established communities and I view Shipyard Alley as a well planned example of appropriate infill development.

The Shipyard Alley proposal is recommended by the following general considerations:

- As urban infill development it avoids conversion of farmland and forest land to development.
- Since it will be served by public water and sewer, it avoids the risks to drinking water and ground water associated with development on septic systems.

The location of this proposed development on the banks of the Pocomoke River is especially sensitive. The following features of Shipyard Alley make it appropriate to this site.

- No residential development is proposed in the 100-foot tidal buffer area even though Shipyard Alley LLC has grandfathered rights to build two single-family residences in the buffer area, one each on lots 3 and 4 of Parcel 139. The grandfathered development rights on these two parcels will be extinguished.
- 38 percent of the site will be maintained in perpetuity as open space. This is unbroken, contiguous open space and will maintain an undeveloped shoreline view from the river and along the shoreline from both Byrd Park and the Snow Hill Bridge.
- It will use less density than allowed by zoning. Pursuant to the state Critical Area criteria the town's underlying zoning controls allowable density in both the LDA and IDA. The three-acre Shipyard Alley site is assigned to the town's R-2 zoning district, which allows 6 units per acre or 18 units for the three-acre site. Shipyard Alley proposes to build 11 residences, seven fewer than zoning would allow.
- It is a cluster development that reduces the extent of impervious surface area. Cluster development of the nature proposed by Shipyard Alley is consistent with public policy at all levels of government.

The Critical Area criteria mandate, "To the extent practicable, future development shall use cluster development as a means to reduce impervious areas and to maximize areas of natural vegetation. (COMAR 27.01.02.03.D.8)

- Shipyard Alley will adopt a buffer management plan that incorporates natural vegetation and is approved by the state Critical Area Commission.

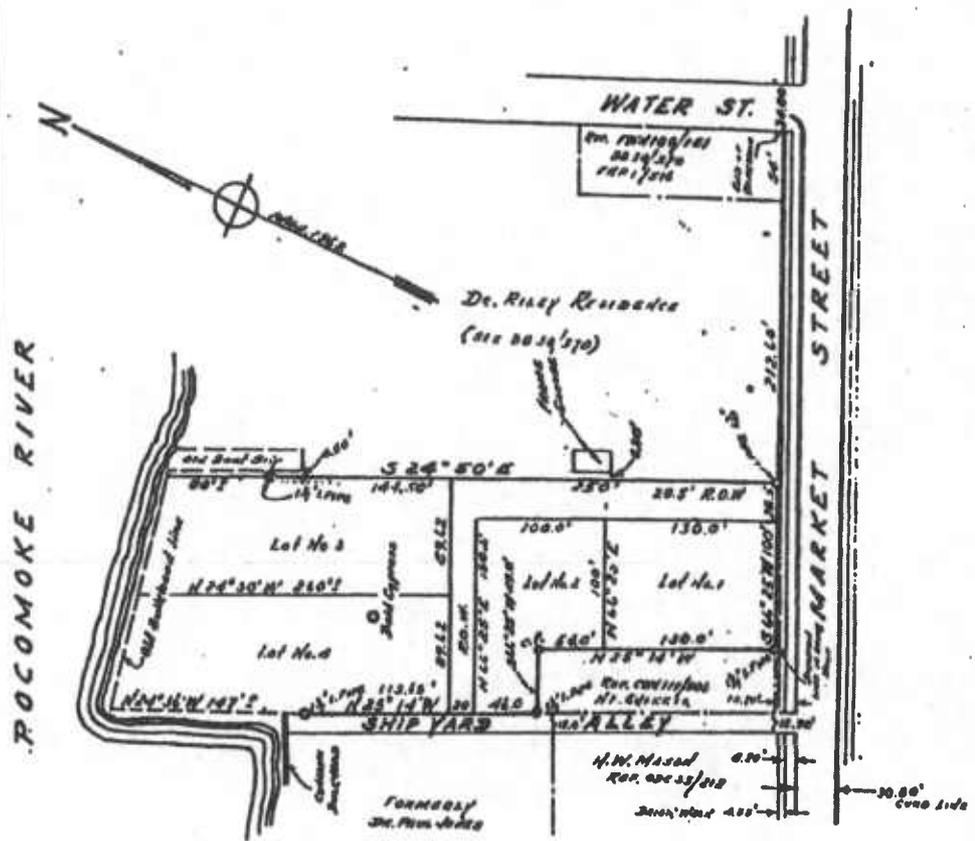
I recommend that the developer give careful consideration to the following measures that I feel would further enhance water quality protection in the Pocomoke River:

- No application of chemical herbicides, pesticides or fertilizers in the 100 foot tidal buffer area,
- Creation of a 15 foot no-mow/meadow buffer along the river's edge that can be managed to eliminate invasive species and to protect views of the river,
- Fence off large canopy trees in the 100 foot tidal buffer area during construction phase to protect root structure, and
- Study the feasibility of replacing existing hardened shoreline with soft shoreline protection devices such as biologs and use of indigenous plants.

In summary, I support this reclassification of Shipyard Alley from LDA to IDA for the following reasons. No development is proposed in the 100-foot tidal buffer except for a walkway across the buffer area to the community pier. The buffer area will be substantially planted in natural vegetation – native plants and species. 38 percent of the site, including the Critical Area buffer, will be permanently protected open space. Clustering the development will reduce impervious surface areas. It is urban infill development on public water and sewer.

Respectfully Submitted,


LIBER 173 PAGE 278



Being all of that land described in a deed recorded in Liber FWH136, Folio 298, Worcester County Land Records.

PLAT OF PROPERTY
 SURVEYED FOR
 PAUL SCARBOROUGH

Survey 2-12-62 Scale 1" = 100'
 Election District No. 2
 Location: Snow Hill, Md.
 Revised 6-20-63.

G. OLIVER MORRELL
 REGISTERED LAND SURVEYOR

FILE NO. B-577



LAW OFFICE

COWDREY, THOMPSON & KARSTEN

A PROFESSIONAL CORPORATION

9923 STEPHEN DECATUR HIGHWAY, #D-2

PO. BOX 535

OCEAN CITY, MARYLAND 21843

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FAX (410) 213-2685

ROY B. COWDREY, JR.
DAVID R. THOMPSON
KURT D. KARSTEN*
ROBERT J. MERRIKEN*
HUGH CROPPER, IV
CURTIS H. BOOTH
BRYNIA McDIVITT BOOTH

* ADMITTED IN MD & VA
* ADMITTED IN MD & DC

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130 N. WASHINGTON ST.
PO. BOX 1747
EASTON, MD 21601

ANNAPOLIS OFFICE
621 RIDGELY AVENUE
SUITE 402
ANNAPOLIS, MD 21401

May 2, 2007

Ms. Karen Houtman, Town Planner
Town of Snow Hill
103 Bank Street
Snow Hill, Maryland 21863

RECEIVED
5/7/07
KH

RE: **Shipyard Alley Growth Allocation**

Dear Ms. Houtman:

I would like to follow-up on a couple of the items referenced in your April 18, 2007 correspondence to Mr. Marshall Johnson at the State of Maryland, Critical Area Commission.

With regard to paragraph three, I have asked our wetland consultant to prepare correspondence summarizing his methodology in reaching the wetlands determinations.

With regard to paragraph five, I have asked our landscape architect to prepare a preliminary, conceptual Buffer Planting Plan.

With regard to paragraph six, it is the developer's intent to preserve the Buffer as common open space.

It is my recommendation to the developer that we draft a Declaration of Covenants to be recorded among the Land Records. The Declaration of Covenants should bind future owners, and be referenced in future deeds for any lots at the property.

The Declaration of Covenants will describe in specific terms how the Buffer is to be protected, in a language suitable to the Town of Snow Hill and the Critical Area Commission.

I have drafted these documents in the past, and I have received the approval of the Attorney General's Office on behalf of the Critical Area Commission on other such documents.



STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarcw/

April 9, 2007

Karen Houtman, Planner
P.O. Box 348
Snow Hill, MD 21863

RE: Shipyard Alley Growth Allocation, Snow Hill

Dear Ms. Houtman,

This letter from the Critical Area Commission staff is in response to a request from the Town of Snow Hill to revise and move forward with a growth allocation request previously submitted in 2005. The revised proposal includes changing the LDA designation to IDA for future development of 11 units outside of the 100-foot Critical Area Buffer. The Critical Area staff has the following comments.

1. A complete environmental features or environmental assessment map has not been received by the Commission for review. A "Building Setback and Open Space Tabulation" plan was included; however it does not show all of the necessary environmental features with respect to the site boundary and the proposed development envelope. The features that should be shown are further described below.
2. Soil types must be shown on the environmental features map in order to verify that all hydric soil areas have been identified and the relationship with nontidal wetlands can be evaluated. This information is necessary so that expansion of the 100-foot Buffer for hydric soils can be addressed.
3. Additional information about the presence of State and private tidal wetlands should be included in the environmental report, and explained on the environmental features map. State tidal wetlands should not be included within the boundaries of any privately owned lot or parcel and cannot be used for calculations or to meet the performance standards for development within the Critical Area. If portions of the project site have been determined to be private tidal wetlands, documentation regarding how this determination was made must be submitted, so that the Maryland Department of the Environment and the Board of Public Works can verify the methodology used. It is possible that they may want to verify the delineation and supporting information in the field, so appropriate detail should be provided. The area of State and private tidal

Karen Houtman
April 9, 2007
Page 2

- wetlands affects all of the calculations based on the area of the property, including those relating to growth allocation, stormwater management, and the area of the 100-foot Buffer; therefore, this information is necessary to properly review the project.
4. The growth allocation request is to convert LDA to IDA. The IDA classification does not include specific afforestation or reforestation standards. However, permeable areas in the IDA shall be established in vegetation if practicable, and development activities shall be designed and implemented to minimize destruction of forest and woodland vegetation. Additional information should be provided regarding any proposed clearing of existing forest cover and proposed reforestation and afforestation of the project site.
 5. The applicant has not provided adequate information addressing stormwater management plans. Additional information is needed to ensure compliance with the 10% pollutant reduction requirement for the intended development of the site. Preliminary information regarding stormwater management will be required prior to the Commission's consideration of the growth allocation request. Best management practice (BMP) stormwater features used to meet the 10% pollutant reduction requirement may not be located within the 100-foot Buffer.
 6. Portions of the five residential lots shown on the submitted plan are located within the 100-foot Buffer. It is not clear if any decks or porches will extend into the 100-foot Buffer. Because most of the lots are relatively small, and the site is to be intensely developed, it is likely that the Commission will have significant concerns about any structure or disturbance in the Buffer, or the Buffer being used as a rear yard on these lots. It is strongly recommended that the lot pattern be reconfigured to avoid lots located within the Buffer.
 7. A Buffer Management Plan for the 100-foot Buffer from tidal wetlands, tidal waters, and tributary streams will need to be prepared and submitted for this project in accordance with the provisions in the Critical Area law that require establishment of the 100-foot Buffer. A conceptual Buffer management plan should be submitted with the growth allocation application.
 8. It is not clear from the information submitted if the proposed growth allocation request has met all of the requirements for the use of growth allocation, including those relating to adjacency to other IDA, the 300-foot setback, and the parcel history. Additional information about conformance with the Town's growth allocation provisions is needed. As you are aware, the locational guidelines relating to growth allocations were clarified in 2006 by the General Assembly. When a jurisdiction submits a request for the Commission to review and approve the use of growth allocation, the request shall state how the local government has applied the locational guidelines as set forth in Chapter 55 of the 2006 Laws of Maryland. The Commission shall ensure that these guidelines have been applied in a manner that is consistent with the purpose, policies, goals and provisions of the Critical Area Law and all Criteria of the Commission.

Karen Houtman
April 9, 2007
Page 3

9. Subdivision history of the parcels/lots should be submitted to clarify whether this configuration existed at the time the Critical Area legislation was adopted. This information is necessary to determine if proposed growth allocation acreage is accurate.
10. It is not clear if there is an existing pier on the property. The proposed community pier must comply with the slip limits set forth on COMAR 27.01.03.07.B. It appears that the pier would be limited to one slip for each 50 feet of shoreline. Please clarify how many slips are proposed.

The preceding comments represent the review and evaluation by Commission staff of the submitted concept plan. I look forward to working with you and to address these comments as the project progresses through the local approval process. As you know, the Critical Area Commission must review and approve all requests for map amendments involving the use of growth allocation. During the Commission's formal review, they may request additional information or have additional concerns. Thank you for the opportunity to provide comments on this proposal at this stage in the design. Please contact me if you have any questions at (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: SN 140-07



MAYOR AND COUNCIL OF SNOW HILL

April 18, 2007

Mr. Marshall Johnson
Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD 21401

Re: Shipyard Alley Growth Allocation, Snow Hill

Dear Mr. Johnson,

This letter is sent in response to your letter sent on April 9, 2007

1. A complete environmental features or assessment map has not been received because it is not required per Town of Snow Hill code Section 72-8, 72-11, 72-18. If the Critical Area Commission requires this to consider the request regardless of the local code then we will ask the applicant to produce this item. However, the local code does not require it. (Note my e-mail on March 24th stated an environmental report was needed, however staff report does not state this because not required under Town code.)
2. Soil types are shown on the attached soil map. The site is made of Urban land – Udorthents complex per the Soil Survey of Worcester County, Maryland. Mr. Hillyer had a wetland delineation conducted by Spencer Rowe.
3. Town staff recommends that owner get a written report from Wetland consultant as to methodology and determinations made to forward to the county and the Critical area Commission. (perhaps get delineators signature on plan)
4. Forest will not be removed, however, a few (approx. 8-10) of the trees on site may need to be removed for infrastructure and residences. These should be able to be replaced in the yards or along street (see general comment # 4 and 7 on staff report)
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could be condition of growth allocation approval, since it can be better determined at preliminary submittal with the town.

6. Staff also asked applicant to explain how open space to be preserved and designated or assigned per the cluster regulations. The intent was to use the buffer as the common open space. Staff raised concern about Unit 1 and 2 specifically because there was little room for an additional porch or deck (item 1 under Critical Area regulations comments.) We have recommended they be incorporated into original house design, so that a self made hardship is not created.
7. The buffer management plan would be addressed at preliminary as previously stated in 5 above.
8. The Planning Commission's "Finding of Fact" was submitted with the packet sent on March 6, 2007. I had in fact looked for revised language to growth allocation criteria in Comar while Mr. Hillyer was in my office. But could not find any amended language. Unfortunately, our office never received an update from the Critical Area Commission. I would submit the following based on Senate Bill 751 regarding growth allocation.
 - a. Locate a new intensely developed area in a limited development area or adjacent to an existing intensely developed area. *The property is designated as LDA and adjacent to LDA.*
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- e. A new intensely developed area should be located where it will minimize impacts to the defined land uses of the resource conservation area. *The project is located in designated Limited Development Area within a municipal town which is designated as a growth area and will not adversely impact the Resource Conservation Area.*

Also note with regard to history that Parcel 142, 141, and 140 all existed before 1962. Parcel 139 was subdivided in 1962 to form four lots. (Liber 173, page 278 formerly F.W.H. 136, folio 298.). Of these four lots only two (Lot 3 and 4) were located in the 100 foot buffer). The existing sewage easement was created by deed as found in Liber 177, page 567 which references plat book F.W.H. No. 2, Folio 50.

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Hopefully this addresses all the issues brought up in your letter of April 9, 2007. If you feel that a meeting is needed contact me at your earliest convenience. I would like to be able to approach the Mayor and Council without your April 9th letter casting a cloud over the project. Perhaps you could rephrase your letter before our Town Council meeting on May 8, 2007, as I suggested with comments in reference to town code and additional items that must be addressed when the submittal is presented to the Critical Area Commission. Thank you in advance for your prompt reply.

Sincerely,



Karen Houtman
Planner

cc: Attorney Hugh Cropper
Saunders Hillyer
Robert D. Hand
Pearce O'Doherty

Attachments: March 24, 2006 e-mail from Karen Houtman to Mr. Hillyer
Staff Report
Worcester County Soil Survey map and information
Paul Scarborough Subdivision (Liber 173, Page 278)

SHIPYARD ALLEY
Concept Sketch
Staff Report

History:

This development was discussed last month with regard to growth allocation. Attorney Hugh Cropper is representing Mr. Hillyer in this request before Mayor and Council on April 10, 2007. Mr. Hillyer has made several changes based on comments received from Critical Area Commission staff in letter dated April 12, 2005. In addition, he is now proposing a project that incorporates the town's cluster provisions. Staff (Karen Houtman, Frank Daniels, and Charlie Dorman) have reviewed the infrastructure improvements and feel that the proposed layout will work.

Staff Comments: While the submittal is only a concept sketch there are several items worthy of mention to assist the designer in preparation for preliminary submittal. I have divided them by category. (Many items included in e-mail to Mr. Hillyer on 3-24-06).

Historic District Regulations:

1. The cluster subdivision layout is dependent on demolition of three of the structures (Unit 1, 8 and 9). Therefore, the applicant will need to file application with the Historic District and submit the required information listed under the demolition guidelines. If demolition is not approved this could of course greatly impact layout. Need to verify with Attorney Ed Baker, but I believe this needs to be obtained before preliminary submittal – since a certificate of appropriateness is dependent on design if indeed the demolition is approved.
2. Eventually all structures would need approval by Historic District for issuance of permit and this should be added as note on plat.
3. New structures proposed in Historic District must be reviewed and receive Certificate of Appropriateness to have permit issued.
4. Need to show outline of existing structures in relation to proposed lot lines.
5. The Historic District will most likely prefer brick sidewalks along Market Street. This also coincides with plans anticipated per Market Street Committee work with State Highway and their consultant.

Floodplain Regulations:

1. The property is within the Riverine Floodplain and will need approval from MDE.
2. If fill is planned to be used to elevate homes then approval will be needed by MDE and staff will need to review plans for other approvals that may be needed.
3. All stormwater/ sewer and water infrastructure should be floodproofed to extent possible.

Critical Area Regulations:

1. Unit 1 and 2 do not allow much area for addition of deck or porch, hopefully such items will be incorporated into original house design within the proposed built area.
2. Re-development and new development must minimize stormwater impacts. Pollutant loadings must be reduced by 10% prior to site development.
3. If community pier this should be indicated in note and state that no other piers are allowed. Section 72-12 F (1) (e).
4. Verify # of slips allowed section 72-12. F. (2)(a)[1]. Slips shown equal 12, however the number is based on amount of shoreline. Based on what's indicated by sketch with property line not defined on west side it appears that may be limited to nine slips.
5. Not aware of rate of erosion, but Planning Commission may recommend nonstructural shore protection measures (section 72-13). Staff is somewhat concerned about dilapidated wood bulkhead. Keep in mind that such measures require a building permit and approvals from other agencies for issuance.
6. Based on chart shown -I assume the contiguous open space is the entire 100 foot buffer. Would be helpful if this could be clearly designated or represented on plan. Also important to determine 70% of open space is contiguous under cluster regulations.
7. Need to show chart of existing impervious surface and planned or proposed impervious surface.
8. Indicate acreage and densities planned.

General Comments:

1. Will need title report.
2. Reduced width waiver for right-of-ways will be needed.
3. Pier will need approval from MDE and Corp. of Engineers.
4. Applicant needs to address 72-9.C.(1) thru (5) for next step "Preliminary"
5. Trees being removed to accommodate units will likely be replaced by street trees. Based on proposed building area (envelopes) shown.
6. Question for Attorney Ed Baker -Do Mayor and Council need to formally approve infrastructure over their sewer right-of-way easement? Staff is unfamiliar with this scenario.
7. Will need to indicate *landscaping, street trees, lighting, etc.* in future submittal.
8. See previous e-mail dated March 24, 2006 (attached).
9. Have bald cypress been replanted per letter from Tracey Gordy dated April 25, 2005? Staff will need to confirm with Tracey.
10. Will also need waiver to do sidewalks on only one side of street with designated crosswalks.

Cluster Development Regulations:

1. Staff assumes that unit 9 and 10 are a duplex unit to meet front footage. Note should have indicated number and type of units.

2. The driveway for unit #9 is farther from the house than that shown for other lots. Need to plan a sidewalk or other impervious surface to connect the two- so that it may be figured into stormwater computations.
3. Need to explain to Planning Commission how open space to be preserved and how designated or assigned?

Drainage class: Moderately well drained
Flooding: Occasional
Kind of water table: Apparent
Salt affected: Saline within a depth of 30 inches
Available water capacity: Low
Note: The soil's organic layer is a result of the burial of prior bayside marshes by the landward migration of the barrier island. Salinity ranges from 0 to 4 parts per thousand.

A typical description of the Brockatonorton soil is included in this section. Additional information specific to this map unit, such as horizon depth and textures, is available in the appropriate table of this publication (see "Contents").

Inclusions

- Askecksy soils in the slightly lower landform positions
- Acquango soils in the slightly higher landform positions

Management

For general and detailed information about managing this map unit, see the section "Use and Management of the Soils."

Ur—Urban land

Composition

Urban land: 90 percent
 Inclusions: 10 percent

Setting

Slope: 0 to 2 percent
Note: This map unit may have some small scattered areas of soil that support vegetation.

Component Description

This map unit consists of areas where much of the soil surface is covered with asphalt, concrete, buildings, or other impervious material.

Inclusions

- Unnamed natural and manmade soils

Ut—Urban land-Udorthents complex

Composition

Urban land: 54 percent
 Udorthents and similar soils: 44 percent
 Inclusions: 2 percent

Setting

Slope: 0 to 2 percent

Component Description

Urban land

Urban land consists of areas where much of the soil surface is covered with asphalt, concrete, buildings, or other impervious material.

Udorthents

Surface layer texture: Loamy sand
Depth class: Very deep (more than 60 inches)
Drainage class: Well drained
Flooding: None
Kind of water table: Apparent
Available water capacity: Moderate

Note: The soil material within this map unit has been moved, filled in, or worked by machinery. Most of the soil areas have been reshaped and leveled.

Inclusions

- Unnamed natural and manmade soils

Management

For general and detailed information about managing this map unit, see the section "Use and Management of the Soils."

Uz—Udorthents

Composition

Udorthents and similar soils: 85 percent
 Inclusions: 15 percent

Setting

Slope: 0 to 2 percent
Note: All of the acreage of this map unit occurs in developed areas of towns, borrow pits, and landfills scattered throughout the county.

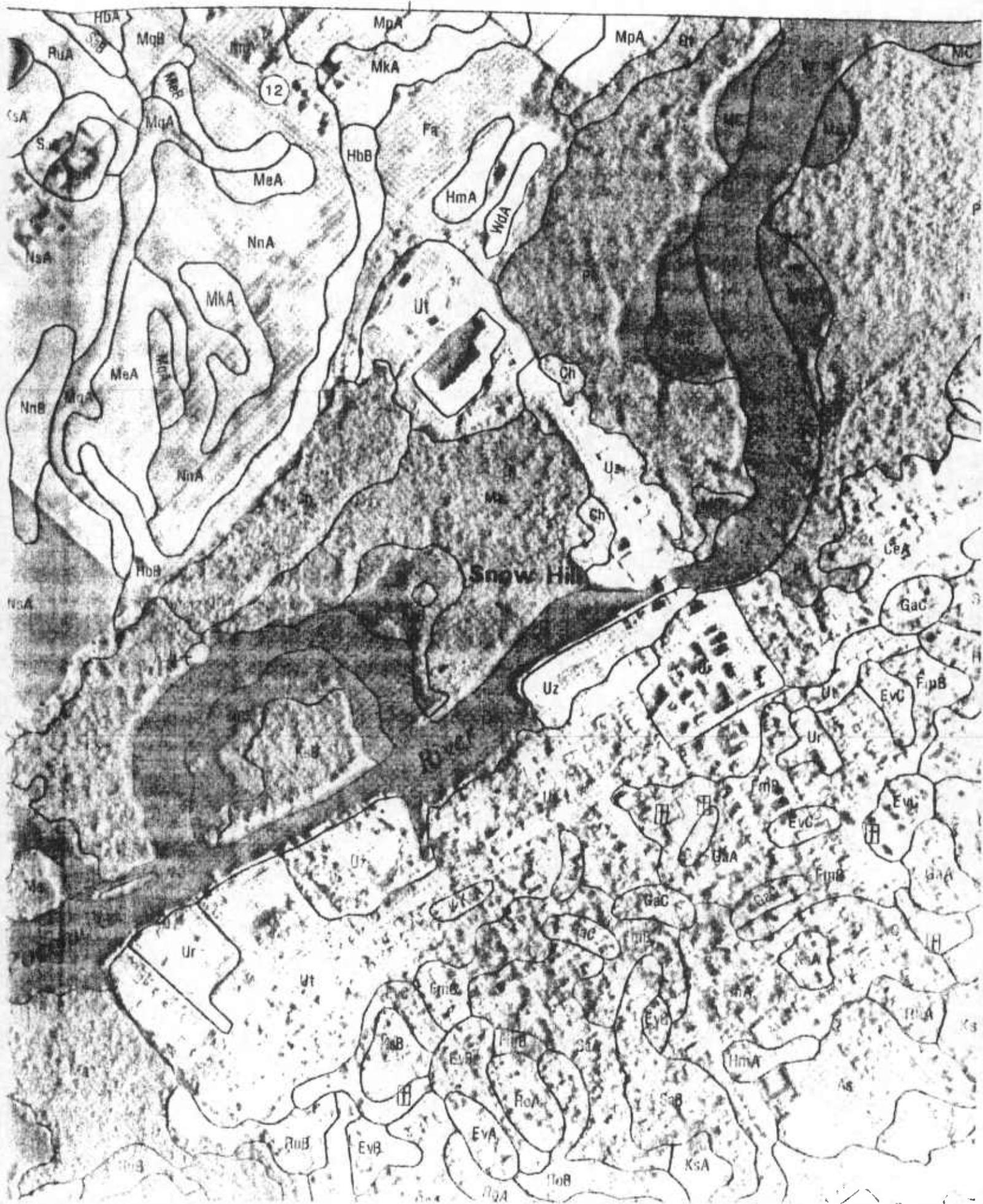
Component Description

Surface layer texture: Loamy sand
Depth class: Very deep (more than 60 inches)
Drainage class: Well drained
Flooding: None
Kind of water table: Apparent
Available water capacity: Moderate

Note: The soil material within this map unit has been moved, filled in, or worked by machinery. Most of the soil areas have been reshaped and leveled. In areas of landfills, garbage content may be significant in the soil profile. In areas of borrow

Table 14.--Building Site Development--Continued

Map symbol and soil name	Shallow excavations	Dwellings without basements	Dwellings with basements	Small commercial buildings	Local roads and streets	Lawns, landscaping, and golf fairways
TP: Mispillion-----	Severe: excess humus, ponding.	Severe: subsides, flooding, ponding.	Severe: subsides, flooding, ponding.	Severe: subsides, flooding, ponding.	Severe: subsides, ponding, flooding.	Severe: excess silt, excess sulfur, ponding.
Uc: Urban lend-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable.
Acquango-----	Severe: cutbenks cave.	Severe: flooding.	Severe: flooding.	Severe: flooding.	Severe: flooding.	Severe: droughty.
Um: Urban land-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable.
Askecksy-----	Severe: cutbenks cave, wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness, droughty.
Un: Urban lend-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable.
Brocketonorton--	Severe: cutbenks cave, excess humus, wetness.	Severe: flooding.	Severe: flooding, wetness.	Severe: flooding.	Severe: flooding.	Severe: droughty.
Ur----- Urban lend	Variable-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable.
Ut: Urban land-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable.
Udorthents-----	Severe: cutbenks cave, wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness, droughty.
Uz----- Udorthents	Severe: cutbenks cave, wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness, droughty.
WdA, WdB----- Woodstown	Severe: cutbenks cave, wetness.	Moderate: wetness.	Severe: wetness.	Moderate: wetness.	Moderate: wetness, frost action.	Moderate: wetness, droughty.
Zk----- Zakiah	Severe: cutbenks cave, wetness.	Severe: flooding, wetness.	Severe: flooding, wetness.	Severe: flooding, wetness.	Severe: wetness, flooding.	Severe: too acid, wetness, flooding.





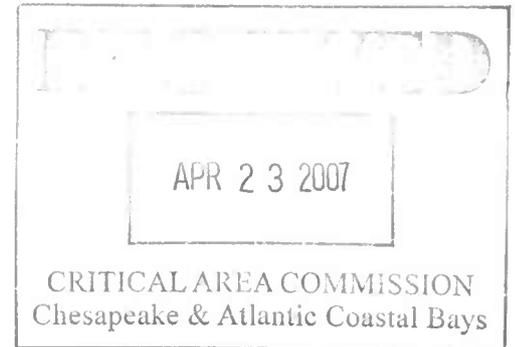
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Staff Report
Worcester County Soil Survey map and information
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Karen Houtman

From: Karen Houtman [houtman@snowhillmd.com]
Sent: Friday, March 24, 2006 10:17 AM
To: Sandy Hillyer (shillyer@aol.com)
Subject: Shipyard Alley- Informal early comments

Sandy,

Sorry this has been so long getting to you, I had hoped to do it last Friday. Then with the Planning Commission meeting and direction taken at that meeting, I have been busy preparing to meet with Attorney Ed Baker about Heath Manor and Zoning Ordinance.

To recap the major concerns:

1. I am 95% certain that you will be required to plant the buffer. Due to subdivision calling for combining of parcels. (You would no longer be grandfathered).
2. Will need subdivision application as well as growth allocation to go from LDA to IDA. The Town will request growth allocation from the county.
3. Garages may count for some of the parking per code. Guarantee that you at least meet minimum requirements if removing any from the plan.
4. Floodplain – the development would take place in riverine floodplain which requires permit from MDE. In fact you may need approval for fill. Not sure what elevations you plan to build the structures at but this could be concern. Also is a concern related to insurance with regard to elevation.
5. The disturbance in the buffer or (sidewalk/steps) etc. would need variance to develop in the buffer. There are no guarantees that a variance would be received favorably. However, we could meet ahead of time with Critical Area Commission staff before going forward with variance procedure. This would enable you to make changes if necessary based on their comments and hopefully have their support.
6. Where there any habitat concerns?
7. Would need computation for stormwater impacts (reduce pollutant loadings by 10%).
8. Need to mark pier as community pier (limit 15 slips, 1 for each lot).
9. Need to know acreage and densities to confirm allowed density. This is not shown on preliminary drawings.
10. Will also need to show chart of existing impervious surfaces and resulting (planned) impervious surfaces with development.
11. Need to submit environmental report with growth allocation request.
12. Would need approvals for community pier from MDE and Corp of Engineers

These are just beginning comments and may be expanded later with submittal of project and other data..

Karen Houtman, Planner
Town of Snow Hill
P O Box 348
103 Bank Street
Snow Hill, MD 21863

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No virus found in this outgoing message.

3/24/2006

SHIPYARD ALLEY
Concept Sketch
Staff Report

History:

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3. All stormwater/ sewer and water infrastructure should be floodproofed to extent possible.

Critical Area Regulations:

1. Unit 1 and 2 do not allow much area for addition of deck or porch, hopefully such items will be incorporated into original house design within the proposed built area.
2. Re-development and new development must minimize stormwater impacts. Pollutant loadings must be reduced by 10% prior to site development.
3. If community pier this should be indicated in note and state that no other piers are allowed. Section 72-12 F (1) (e).
4. Verify # of slips allowed section 72-12. F. (2)(a)[1]. Slips shown equal 12, however the number is based on amount of shoreline. Based on what's indicated by sketch with property line not defined on west side it appears that may be limited to nine slips.
5. Not aware of rate of erosion, but Planning Commission may recommend nonstructural shore protection measures (section 72-13). Staff is somewhat concerned about dilapidated wood bulkhead. Keep in mind that such measures require a building permit and approvals from other agencies for issuance.
6. Based on chart shown -I assume the contiguous open space is the entire 100 foot buffer. Would be helpful if this could be clearly designated or represented on plan. Also important to determine 70% of open space is contiguous under cluster regulations.
7. Need to show chart of existing impervious surface and planned or proposed impervious surface.
8. Indicate acreage and densities planned.

General Comments:

1. Will need title report.
2. Reduced width waiver for right-of-ways will be needed.
3. Pier will need approval from MDE and Corp. of Engineers.
4. Applicant needs to address 72-9.C.(1) thru (5) for next step "Preliminary"
5. Trees being removed to accommodate units will likely be replaced by street trees. Based on proposed building area (envelopes) shown.
6. Question for Attorney Ed Baker -Do Mayor and Council need to formally approve infrastructure over their sewer right-of-way easement? Staff is unfamiliar with this scenario.
7. Will need to indicate landscaping, street trees, lighting, etc. in future submittal.
8. See previous e-mail dated March 24, 2006 (attached).
9. Have bald cypress been replanted per letter from Tracey Gordy dated April 25, 2005? Staff will need to confirm with Tracey.
10. Will also need waiver to do sidewalks on only one side of street with designated crosswalks.

Cluster Development Regulations:

1. Staff assumes that unit 9 and 10 are a duplex unit to meet front footage. Note should have indicated number and type of units.

2. The driveway for unit #9 is farther from the house than that shown for other lots. Need to plan a sidewalk or other impervious surface to connect the two- so that it may be figured into stormwater computations.
3. Need to explain to Planning Commission how open space to be preserved and how designated or assigned?

Drainage class: Moderately well drained
Flooding: Occasional
Kind of water table: Apparent
Salt affected: Saline within a depth of 30 inches
Available water capacity: Low
Note: The soil's organic layer is a result of the burial of prior bayside marshes by the landward migration of the barrier island. Salinity ranges from 0 to 4 parts per thousand.

A typical description of the Brockatonorton soil is included in this section. Additional information specific to this map unit, such as horizon depth and textures, is available in the appropriate table of this publication (see "Contents").

Inclusions

- Askecksy soils in the slightly lower landform positions
- Acquango soils in the slightly higher landform positions

Management

For general and detailed information about managing this map unit, see the section "Use and Management of the Soils."

Ur—Urban land

Composition

Urban land: 90 percent
 Inclusions: 10 percent

Setting

Slope: 0 to 2 percent
Note: This map unit may have some small scattered areas of soil that support vegetation.

Component Description

This map unit consists of areas where much of the soil surface is covered with asphalt, concrete, buildings, or other impervious material.

Inclusions

- Unnamed natural and manmade soils

Ut—Urban land-Udorthents complex

Composition

Urban land: 54 percent
 Udorthents and similar soils: 44 percent
 Inclusions: 2 percent

Setting

Slope: 0 to 2 percent

Component Description

Urban land

Urban land consists of areas where much of the soil surface is covered with asphalt, concrete, buildings, or other impervious material.

Udorthents

Surface layer texture: Loamy sand
Depth class: Very deep (more than 60 inches)
Drainage class: Well drained
Flooding: None
Kind of water table: Apparent
Available water capacity: Moderate
Note: The soil material within this map unit has been moved, filled in, or worked by machinery. Most of the soil areas have been reshaped and leveled.

Inclusions

- Unnamed natural and manmade soils

Management

For general and detailed information about managing this map unit, see the section "Use and Management of the Soils."

Uz—Udorthents

Composition

Udorthents and similar soils: 85 percent
 Inclusions: 15 percent

Setting

Slope: 0 to 2 percent
Note: All of the acreage of this map unit occurs in developed areas of towns, borrow pits, and landfills scattered throughout the county.

Component Description

Surface layer texture: Loamy sand
Depth class: Very deep (more than 60 inches)
Drainage class: Well drained
Flooding: None
Kind of water table: Apparent
Available water capacity: Moderate
Note: The soil material within this map unit has been moved, filled in, or worked by machinery. Most of the soil areas have been reshaped and leveled. In areas of landfills, garbage content may be significant in the soil profile. In areas of borrow

Table 14.--Building Site Development--Continued

Map symbol and soil name	Shallow excavations	Dwellings without basements	Dwellings with basements	Small commercial buildings	Local roads and streets	Lawns, landscaping, and golf fairways
TP: Mispillion-----	Severe: excess humus, ponding.	Severe: subsides, flooding, ponding.	Severe: subsides, flooding, ponding.	Severe: subsides, flooding, ponding.	Severe: subsides, ponding, flooding.	Severe: excess salt, excess sulfur, ponding.
Uc: Urban land-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable.
Acquango-----	Severe: cutbanks cave.	Severe: flooding.	Severe: flooding.	Severe: flooding.	Severe: flooding.	Severe: droughty.
Um: Urban land-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable.
Askecksy-----	Severe: cutbanks cave, wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness, droughty.
Un: Urban land-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable.
Brockatonorton--	Severe: cutbanks cave, excess humus, wetness.	Severe: flooding.	Severe: flooding, wetness.	Severe: flooding.	Severe: flooding.	Severe: droughty.
Ur----- Urban land	Variable-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable.
Ut: Urban land-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable-----	Variable.
Udorthents-----	Severe: cutbanks cave, wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness, droughty.
Uz----- Udorthents	Severe: cutbanks cave, wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness.	Severe: wetness, droughty.
WdA, WdB----- Woodstown	Severe: cutbanks cave, wetness.	Moderate: wetness.	Severe: wetness.	Moderate: wetness.	Moderate: wetness, frost action.	Moderate: wetness, droughty.
Zk----- Zekiah	Severe: cutbanks cave, wetness.	Severe: flooding, wetness.	Severe: flooding, wetness.	Severe: flooding, wetness.	Severe: wetness, flooding.	Severe: too acid, wetness, flooding.

SN 140-07



MAYOR AND COUNCIL OF SNOW HILL

March 6, 2007

RECEIVED

MAR 12 2007

CRITICAL AREA COMMISSION

Ms. LeeAnne Chandler
Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD 21401

Re: Shipyard Alley Growth Allocation Reinitiated – Began in April 2005

Dear Ms. Chandler,

Mr. Sandy Hillyer wishes to move forward with his April 2005 growth allocation request. That request sought to reclassify 3.1 acres of land from LDA to IDA on Tax Map 200, Parcels 139 (lot 1-4), 140, 141, and 142. As your records will show the Planning Commission held a hearing on April 4, 2005 and voted unanimously to approve the request on April 8, 2005. (Minutes and Finding of Fact attached.) The request was then forwarded to Mayor and Council for a public hearing. That hearing was held on April 12, 2005. However, the Mayor and Council tabled the request at the end of the hearing. Since, Mayor and Council did not vote on the issue another hearing must be held.

The Planning Commission was notified at their meeting on February 26, 2007 of staff's intention to forward the request once again to Mayor and Council to again hear the request. Staff have verified with Worcester County's Natural Resource Planner, Chris McCabe that adequate growth allocation is available for the project.

The revised plan being submitted is for eleven units instead of sixteen as originally submitted. The applicant has chosen to use the clustering provisions recently adopted by the Town in order to move the project out of the buffer except for a walkway to the pier along the shoreline. In addition, the owner is giving up two development rights that could have been accomplished within the buffer had the necessary variances been awarded. Therefore, the applicant has abandoned plans to develop in the buffer and will abandon existing lot lines to develop units under cluster regulations similar to condominium regime as suggested in Mrs. Chandler's letter dated April 12, 2005.

Please review the enclosed concept drawing and forward comments to staff by April 8, 2007, so that they may be received in time for the scheduled April 10, 2007 hearing with Mayor and Council. Thank you.

Sincerely,



Karen Houtman
Planner

Kh

Enclosures: Hugh Cropper's letter dated February 12, 2007
Planning Commission Minutes April 4, 2005
Planning commission Findings of Fact April 8, 2005
Tracey Gordy, MDP comments April 4, 2005
LeeAnne Chandler, Critical Area Commission letter dated April 12, 2005
Environmental review letter dated October 9, 2006

cc: Keith Lackie, MD Office of Planning

RESOLUTION NO. 07 - 29

**A RESOLUTION AWARDING GROWTH ALLOCATION
TO THE TOWN OF SNOW HILL FOR THE PROJECT
KNOWN AS SHIPYARD ALLEY TO BE LOCATED ON PROPERTY WITHIN
THE CHESAPEAKE BAY CRITICAL AREA**

WHEREAS, Section NR 3-207 of the Code of Public Local Laws of Worcester County, Maryland provides for a procedure for the award of growth allocation by the County Commissioners of Worcester County upon the recommendation of the Worcester County Planning Commission; and

WHEREAS, on September 6, 2007 the Worcester County Planning Commission reviewed the application submitted by the Mayor and Council of Snow Hill on behalf of Saunders Hillyer for the award of 3.0 acres of Chesapeake Bay Critical Area growth allocation and provided a favorable recommendation to the Worcester County Commissioners; and

WHEREAS, the Worcester County Commissioners held a duly advertised public hearing on said application on October 16, 2007; and

WHEREAS, the County Commissioners considered the Planning Commission's recommendation, the application package, the staff reports, and testimony; and

WHEREAS, the County Commissioners favorably acted upon the requested growth allocation.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County that a request be made to the Critical Areas Commission to utilize 3.0 acres of growth allocation for the project as described in the application provided that the project shall be substantially complete, as determined by the County Commissioners, within three years of the approval of the Critical Areas Commission.

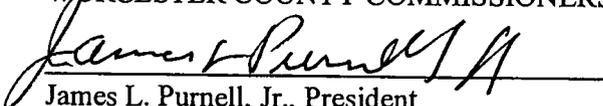
AND, BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

PASSED AND ADOPTED this 16th day of October 2007.

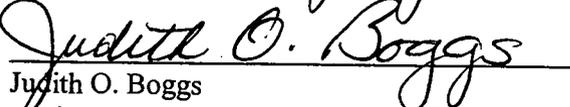
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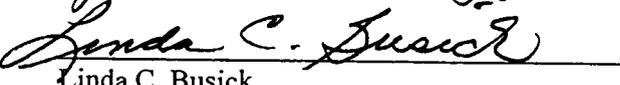

Gerald T. Mason
Chief Administrative Officer

WORCESTER COUNTY COMMISSIONERS

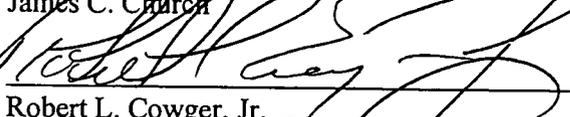

James L. Purnell, Jr., President

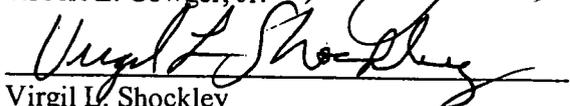

Louise L. Gulyas, Vice President


Judith O. Boggs


Linda C. Busick


James C. Church


Robert L. Cowger, Jr.


Virgil L. Shockley

RESOLUTION 2007-3

A RESOLUTION RECOMMENDING THE AWARD OF 3.0 ACRES OF WORCESTER COUNTY'S GROWTH ALLOCATION TO RECLASSIFY PARCEL 139 (LOT 1-4), 140, 141, AND 142 ON TAX MAP 200 OWNED BY MR. AND MRS. SAUNDERS C. HILLYER FROM LDA, LIMITED DEVELOPMENT AREA TO IDA, INTENSELY DEVELOPED AREA.

WHEREAS, the Planning Commission for the Town of Snow Hill has recommended the award of growth allocation totaling 3.0 acres to "Shipyard Alley" identified as Tax Map 200, Parcel 139 (Lot 1-4), 140, 141 and 142, in order for the critical area designation to be amended from LDA, Limited Development Area to IDA, Intensely Developed Area; and

WHEREAS, the Commission has given due consideration to the amendment with regard to the Critical Area Ordinance known as Chapter 72 and more specifically section 72-25 titled "Amendments" and Section 72-11 titled "Designation of new intensely developed and limited development areas"; and

WHEREAS, pursuant to authority of Natural Resources Article, §8-1808 of the Annotated Code of Maryland, the Town of Snow Hill may authorize the use of growth allocation; and

WHEREAS, the Planning Commission, after due notice, held a public hearing concerning these amendments on April 4, 2005 and again reviewed their findings of fact with the re-submittal made on February 26, 2007 and has considered all comments received; and

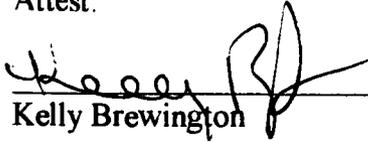
WHEREAS, the Mayor and Council, after due notice, held public hearings concerning this growth allocation amendment on April 12, 2005 and May 8, 2007 and considered all comments received.

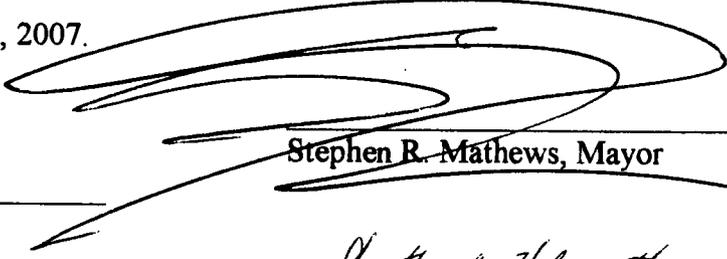
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Snow Hill that this growth allocation shall be forwarded to the County Commissioners of Worcester County requesting 3.0 acres of Worcester County's Growth Allocation to amend the critical area designation of Parcels 139 (lot 1-4), 140, 141, 142 on Parcel 200 from LDA, Limited Development Area to IDA, Intensely Developed Area.

This Resolution shall be effective immediately upon its adoption by the Mayor and Council.

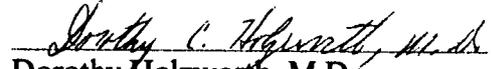
Adopted this 8th day of May, 2007.

Attest:


Kelly Brewington



Stephen R. Mathews, Mayor


Dorothy Holzworth, M.D.
Central District Council Person


Rita Williams
Western District Council Person


Eric Mullins
Eastern District Council Person

RESOLUTION NO. 07 - 29

**A RESOLUTION AWARDING GROWTH ALLOCATION
TO THE TOWN OF SNOW HILL FOR THE PROJECT
KNOWN AS SHIPYARD ALLEY TO BE LOCATED ON PROPERTY WITHIN
THE CHESAPEAKE BAY CRITICAL AREA**

WHEREAS, Section NR 3-207 of the Code of Public Local Laws of Worcester County, Maryland provides for a procedure for the award of growth allocation by the County Commissioners of Worcester County upon the recommendation of the Worcester County Planning Commission; and

WHEREAS, on September 6, 2007 the Worcester County Planning Commission reviewed the application submitted by the Mayor and Council of Snow Hill on behalf of Saunders Hillyer for the award of 3.0 acres of Chesapeake Bay Critical Area growth allocation and provided a favorable recommendation to the Worcester County Commissioners; and

WHEREAS, the Worcester County Commissioners held a duly advertised public hearing on said application on October 16, 2007; and

WHEREAS, the County Commissioners considered the Planning Commission's recommendation, the application package, the staff reports, and testimony; and

WHEREAS, the County Commissioners favorably acted upon the requested growth allocation.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County that a request be made to the Critical Areas Commission to utilize 3.0 acres of growth allocation for the project as described in the application provided that the project shall be substantially complete, as determined by the County Commissioners, within three years of the approval of the Critical Areas Commission.

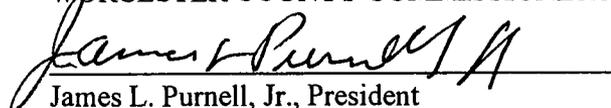
AND, BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

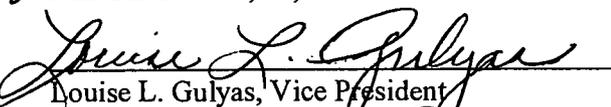
PASSED AND ADOPTED this 16th day of October 2007.

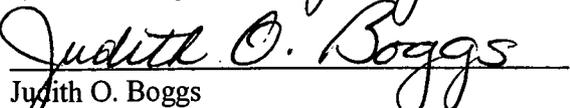
ATTEST:

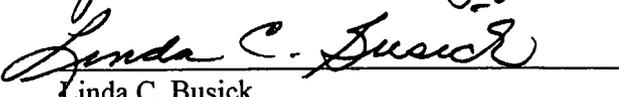

Gerald T. Mason
Chief Administrative Officer

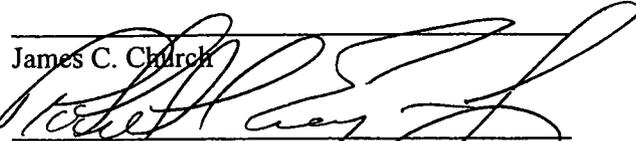
WORCESTER COUNTY COMMISSIONERS


James L. Purnell, Jr., President


Louise L. Gulyas, Vice President

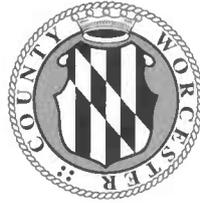

Judith O. Boggs


Linda C. Busick


James C. Church


Robert L. Cowger, Jr.


Virgil L. Shockley



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410-632-1200 / FAX: 410-632-3008

BOARD OF APPEALS
PLANNING COMMISSION
AGRICULTURAL PRESERVATION

ELECTRICAL BOARD
SHORELINE COMMISSION
LICENSE COMMISSIONERS

October 22, 2007

Honorable Margaret McHale: Chair
Maryland Critical Area Commission, Chesapeake and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, Maryland 21401

Re: Growth Allocation Reward Request, Project Known as "Shipyard Alley"
Tax Map: 200
Parcels: 139 (lot 1-4), 140, 141, 142

Dear Ms. McHale,

In accordance with NR 3-112(c)(6) of the Worcester County Code of Public Local Laws please consider this letter and attached correspondence as a formal request to the Commission to allow Worcester County, on behalf of the Town of Snow Hill, to utilize 3.0 acres of Growth Allocation to reclassify the above referenced property from Limited Development Area to Intensely Developed Area in the Chesapeake Bay Critical Area.

The Town of Snow Hill, along with the Worcester County Department of Development Review, and Permitting reviewed the request and found it to be in compliance with the Growth Allocation requirements. Attached, you will find all information submitted by the applicant and reviewed by both the Town of Snow Hill and Worcester County.

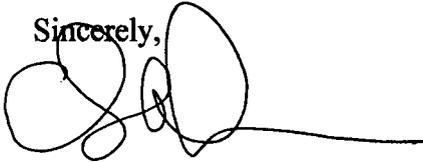
On July 5, 2007, the Worcester County Planning Commission gave a favorable recommendation to the Worcester County Commissioners to approve the request as submitted.

The Worcester County Commissioners held a duly advertised public hearing on October 16, 2007 and passed and adopted Resolution No. 07-29, granting the Growth Allocation request as submitted. One stipulation of the request imposed by Worcester County, included in the

resolution, is to have the project substantially complete within three years from the date of approval by the Critical Area Commission, if they are so inclined.

Thank you for your attention in this matter. If you have any questions or concerns, please feel free to contact me at (410) 632-1200 extension 1140.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris McCabe", with a long horizontal line extending to the right.

Chris McCabe
Natural Resources Administrator

Cc: Edward Tudor: Director of Development Review and Permitting
Karen Houtman: Planner Town of Snow Hill
Saunders Hillyer: Owner / Applicant



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
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MEMORANDUM

BOARD OF APPEALS
PLANNING COMMISSION
AGRICULTURAL PRESERVATION

ELECTRICAL BOARD
SHORELINE COMMISSION
LICENSE COMMISSIONERS

TO: Gerald T. Mason, Chief Administrative Officer
FROM: Edward A. Tudor, Director *EAT*
DATE: June 13, 2007
RE: Request for Chesapeake Bay Critical Area Growth Allocation - Town of Snow Hill - Shipyard Alley

As you know, you have received a letter dated May 16, 2007, which was forwarded to this office for processing, concerning a request from the Town of Snow Hill asking for the award of 3.0 acres of the County's growth allocation for a project within the town limits.

Mr. Chris McCabe, Natural Resources Administrator, and myself have both reviewed the package and determined it to be complete to move forward. Pursuant to our local law concerning such growth allocation requests found in Section NR 3-207(c) the County Commissioners shall hold a public hearing following due notice in accordance with Section ZS 1-114 on any request for growth allocation. This section also requires the review and recommendation by our Planning Commission.

It is my intent to have this request considered by the Planning Commission at their regularly scheduled meeting on July 5th. In order to expedite the Town's request, I would recommend that the County Commissioners schedule the required public hearing so that matter can be heard expeditiously following the Planning Commission's meeting. I have included a copy of the relevant portions of the packet received from the Town as well as copies of the relevant sections of our local law.

Should you have any questions or require additional information, please do not hesitate to contact me.

EAT:dls

attachments

cc: Phyllis H. Wimbrow, Deputy Director
Chris McCabe, Natural Resources Administrator



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
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BOARD OF APPEALS
PLANNING COMMISSION
AGRICULTURAL PRESERVATION

ELECTRICAL BOARD
SHORELINE COMMISSION
LICENSE COMMISSIONERS

MEMORANDUM

DATE: May 24, 2007

TO: Edward Tudor: Director of DRP

FROM: Chris McCabe: Natural Resources Administrator

SUBJECT: Growth Allocation Request for Ship Yard Alley in Snow Hill

The Town of Snow Hill has made formal request of Worcester County to award growth allocation acres for the concept project known as Shipyard Alley. As you know, the town must formally request the growth allocation acres from the County once they feel the requirements have been met. I have reviewed the request for the growth allocation and the subsequent concept plan and feel that it meets the requirements described in our local code.

The proposed plan is an infill project along the Pocomoke River waterfront east of Byrd Park. It consists of 11 units situated in a cluster development. As Mrs. Houtman, (planner for Snow Hill) describes in her letter, all development is situated outside the 100 foot buffer. Also no wetlands are being disturbed under the concept plan and storm water management will be addressed.

The current amount of potential growth allocation acres in the Chesapeake Bay Critical Area is 342.37. The amount requested under this proposed plan is three (3) acres. As you can see the granting of this request will not burden the County's amount of remaining growth allocation acres.

As always if you have any additional questions or concerns, as it relates to this request, please feel free to contact me.

Chandler, LeeAnne

From: Tracey Gordy [tgreene65@hotmail.com]
Sent: Thursday, May 05, 2005 1:16 PM
To: shillyer@aol.com
Cc: Kelly Brewington; Ed Baker; Chandler, LeeAnne
Subject: Re: Shipyard Alley



-----Original Message-----



From: shillyer@aol.com
Date: 05/05/05 07:48:06
To: tgreene65@hotmail.com
Subject: Shipyard Alley



Tracey,



I am not clear about the meaning and practical significance of some of the points you made in your memorandum yesterday to the Mayor and Town Council. I would appreciate any light you could shed on a couple of issues.



I apologize for not being able to get back to you any sooner, but I had a meeting with Snow Hill's new planner this morning to update her on outstanding projects.



Acting on your advice I applied to the Town's Planning Commission and Town Council for their support for use of growth allocation to reclassify Shipyard Alley from LDA to IDA. This application was not supported by a site plan. I understood you to say at our meetings in March and April that a site plan wasn't needed to support our application to the town Planning Commission and Town Council but that one would be needed to support our application to Worcester County and the state Critical Area Commission.

Response: You are correct. The third bullet on the second page of my memo says that I suggested you apply for growth allocation and gives the reason why I made that suggestion. LeeAnne Chandler's letter also supports growth allocation for the type of development proposed. The last bullet of my memo states that a conceptual site plan will be required by the County and the Commission (meaning Critical Area Commission). I am confused about your point as I don't say anything in the memo about a site plan being required for the Planning Commission or Mayor and Council.

The Planning Commission made the required findings, including those related to habitat areas and the Critical Area buffer, and approved the request.

Response: In my memo to the Planning Commission for their April 4th public hearing, I made it very clear that there was an outstanding Buffer issue that was being investigated further by the Critical Area Commission

staff. The Planning Commission's finding was that you would keep as much development out of the 100' Buffer as possible. I also made this same point about the Buffer in my memo to the Mayor and Council for their April 12th public hearing. We had not received LeeAnne's response prior to either of those public hearings. In reading LeeAnne's response, she very clearly indicates that the Critical Area Commission will likely have concern about a growth allocation request that proposes disturbance within the Buffer. This is also where the site plan comes into play because the County and Critical Area Commission will want to see where the dwellings will be located.

As you know, our application is now before the Town Council. We are asking the town Council to make the same findings that the Planning Commission made and we have submitted the same documentation to the Town Council to support our application that we had previously submitted to the Planning Commission.

Response: You are correct, the Town Council does need to make findings, however the Mayor and Council were not provided with a copy of LeeAnne's letter which directly relates to the Snow Hill growth allocation criterion #4 regarding impacts to habitat protection areas; namely the Buffer. The Mayor and Council need to make a finding of consistency or inconsistency with all of the growth allocation criteria and this letter from LeeAnne is something the Planning Commission did not have when they made their findings.

Your memorandum yesterday to the Town Council states in part, "The Buffer is a habitat protection area. Worcester County and the Critical Area Commission will both be requiring findings of fact from the Town stating how this request meets all of Snow Hill's Critical Area criteria, including impacts on the buffer."

Response: Again, all correct. This information is what I have stated, in writing, all along and numerous times. It is also contained in the April 25th letter to Kelly Brewington and CC'ed to you.

Has anything changed? Does the Town Council have all the information it needs to make this finding?

Response: No, in my opinion, the Mayor and Council did not have all of the information they needed to adequately discuss this issue at Tuesday's work session, thus all the questions. First, they should have been provided a copy of my April 25th letter, which they were not. That letter suggested to Kelly that the Mayor and Council get a copy, plus I had also attached LeeAnne's letter, which they also should have had a copy of. Second, I probably should have been at the meeting Tuesday to answer the Mayor and Council's questions. Third, Mr. and Mrs. Norris have standing in this matter and have attended both public hearings and expressed concern about potential Buffer impacts. In both public hearings, they have requested to be notified of any meetings where this matter was to be discussed. They have been in Town Hall several times asking about a meeting date. To my knowledge, they were not notified of this meeting, nor was the agenda posted to give a public opportunity to know this was on the agenda. I don't want to create a reason for a perfectly legitimate appeal on their part just because proper procedure wasn't followed. I sent them a copy of LeeAnne's letter, as I promised and I also told them that they would be notified if this matter was discussed by the Mayor and

Council. I try to keep my word and, in this case, wasn't able to because I was not made aware of the meeting. This isn't about bruised egos, it's about following procedure and having all of the information presented for consideration.

We are prepared to make a commitment not build any residences any place in the buffer area, including along the main stem of the river and the side channel. I would be glad to put this commitment in writing. However, we do not have a site plan. It may take us another month or so to prepare our site plan.

Response: Again, I have not ever stated that you need a site plan for the Planning Commission or the Mayor and Council. If you are willing to make such a commitment about the Buffer, then it looks like to me that issue is resolved. It was not my impression that you made such a commitment at Tuesday's meeting. In fact, I was led to believe that you suggested that if you could build within the Buffer on Parcel A, then you would commit to not building within the Buffer on Lots 3 and 4. In addition, I was under the impression that you asked the Mayor and Council to write a letter to the Board of Appeals supporting this development proposal and to grant the Buffer variance. If I was given a wrong impression of what you said, I apologize, but that is what was conveyed to me.

Does the Town Council have everything it needs from us for it to make a decision on our request for use of growth allocation to reclassify Shipyard Alley as IDA? If not, what more is needed?

Response: Now that they have my memo and the accompanying letters, I believe they have everything they need. They will likely still want the Buffer commitment from you.

Your memorandum yesterday also discussed several other issues related to variances and development in the buffer that do not appear directly related to the Town Council's immediate task of responding to our request to use growth allocation to reclassify Shipyard Alley from LDA to IDA.

Response: As part of my job and MOU with the Town, I have a responsibility to make sure they have all of the facts for consideration. In addition, the Mayor and Council need to be aware that even without growth allocation, you have the right to develop these properties under the current zoning and Critical Area LDA designation. If, for some reason, they decided not to approve the growth allocation request, I didn't want them to be under the false impression that this would prevent develop of these sites because it won't. You still have the right to develop and they should not make an uninformed decision based upon that reasoning.

I anticipate that your memorandum yesterday will raise questions and stir up some confusion, not only in my mind but also in the minds of town officials. Anything you could say to clarify this confusion and to speak in practical terms about what we could, or should, do to move our application for growth allocation forward at this stage would be appreciated.

Response: I respectfully disagree. I think my memo was very necessary in order for them to understand all of the issues, both pro and con, and to prevent an appeal from Mr. and Mrs. Norris. The feedback I have received is that it did help to clarify the matter and not make it more confusing. Tracey

Chandler, LeeAnne

From: Tracey Gordy [tgreene65@hotmail.com]
Sent: Monday, April 11, 2005 4:21 PM
To: Chandler, LeeAnne
Subject: Fw: Re: Growth Allocation

-----Original Message-----

From: shillyer@aol.com
Date: 04/11/05 13:24:11
To: tgreene65@hotmail.com
Cc: stroud@snowhillmd.com
Subject: Re: Growth Allocation

Hi, Tracey,

Thanks for the news from Keith. Also from LeeAnne.

A couple of comments re schedule that I want to check out with you and Kay before Kay leaves. I hope to meet with Kay later this week.

I am trying to piece together how the steps in the permitting process fit together. The comments set out below reflect my tentative understanding of how things work and, as you will see, I have more questions than answers.

The staff report referred to by Keith is the memorandum dated April 4 that you presented at the S.H. Planning Commission meeting a week ago today, a copy of which is attached to today's email. In this case there is be no need for Kay to draft another staff report. Is this right?

The Planning Commission minutes and recommendations -- this is something Kay would ordinarily do.

I'll check with Kay and Kelly about who prepares the town council's minutes and recommendation. Since the council is holding its public hearing tomorrow, its decision will have to come later, after Kay has left. I'll check with Kelly about when the council is expected to vote and who will write the minutes and recommendation.

Re. concept site plan. I'll pull that together after I receive LeeAnne's letter from the CAC staff re the buffer issue. I want to get an architect on board to review the options that we have previously generated in light of the state Commission's staff position.

I anticipate that the revised concept site plan will provide the basis for the Preliminary Conference between me, as applicant, on the one hand, and staff for, and members of, the town Planning Commission on the other. I will revise the concept site plan, as needed, in light of the direction I receive from Planning Commission members at the Preliminary Conference. Of course, the Preliminary Conference will be held after Kay has gone.

At some point, I need to apply to the Historic District Commission for approval of our concept site plan to the extent its implementation would affect existing structures at Shipyard Alley. When do I apply for this approval or open these discussions, before or after the Preliminary Conference with

Planning Commission members?

The revised concept site plan will serve as the basis for our engineer to develop the preliminary plat.

Assuming I need a variance from the town Board of Appeals to build in the Critical Area buffer (whether main stem or side channel), will the concept site plan, as revised following the Preliminary Conference, suffice to support our application for a variance? (It would seem to me we would need this variance before developing a preliminary plat that proposes development in the buffer.)

Would the revised concept site plan suffice to support our application to the state Critical Area Commission for use of growth allocation (following recommendations to do so from the town and county, assuming we get them)? Again, it would seem to me that we would want state Commission approval of our growth allocation request before going to the time and expense of developing the preliminary plat. Or, if not actual approval, a well-grounded expectation that the state Commission is likely to act favorably on the recommendation from the county and town to use growth allocation.

I will be out of town during the day tomorrow but will be back for the town council's public hearing that evening. Any chance we could talk before or after that hearing?

Sandy

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Chandler, LeeAnne

From: Tracey Gordy [tgreene65@hotmail.com]
Sent: Wednesday, April 20, 2005 2:35 PM
To: shillyer@aol.com
Cc: Ed Baker; Chandler, LeeAnne; Kelly Brewington
Subject: Re: Shipyard Alley



Sandy,

I spoke with LeeAnne today and she mailed the letter on 4/12. I checked my office mail and I don't have it yet, so it seems it is just a "snail-mail issue" and we should have it in the next day or so.



I have a meeting scheduled with Ed Baker on 4/26 and we plan on discussing the zoning issues surrounding your proposed development. Unless we find a way to make it fit the current zoning ordinance, I don't think this is going to move as quickly as you may think. As you know, everything has procedural issues, public hearing processes, and then there is always the workload and staffing issues. I think we have already "fast-tracked" this project as much as we can given the circumstances.



Before we proceed any further, we need a decision on the growth allocation issue from the Mayor and Council, plus I need their meeting minutes and findings of consistency. Assuming they make a favorable recommendation, your next step is to put together a concept plan, understanding that you are waiting the Buffer decision from the Commission. We really can't proceed with the growth allocation request any further without the concept plan.



Ed and I will look at zoning and try to make a decision about how to proceed next week. I will not have any opportunity to meet with you prior to me leaving, but we will get something to you in writing and I have total faith that the new planner, Karen Houtman, and Ed Baker can proceed just fine in my absence. I will also be in touch with them periodically to answer questions and to see how things are going.

Sorry, but there are so many other projects that need attention prior to me leaving, this is the best I can offer.

Tracey

-----Original Message-----

From: shillyer@aol.com
Date: 04/19/05 09:25:54
To: tgreene65@hotmail.com
Subject: Shipyard Alley

Hi, Tracey,

Two items:

First, the simple one. We haven't heard from the Critical Area Commission staff about the proposed buffer trade and would like to make sure this matter hasn't fallen through the cracks. We expected to hear last week. I would appreciate it if you would check on this and let us know what to expect.

The other matter is the cluster of issues associated with approval of cluster development at Shipyard Alley. I know you were planning on talking with Ed Baker about the options for accommodating cluster development given the present zoning. As I understand these options, one approach is to see how far the condominium structure can go towards bringing our proposal into compliance with the existing zoning code. In the event the existing zoning cannot accommodate cluster development even in a condominium structure, the alternative approach would be to seek a text amendment to the existing zoning code. Both of these options are based on the premise that it will be a long time before the new zoning ordinance is revised and submitted to the town council for approval.

It would be very helpful to me and, I think, to keeping some momentum going after you start maternity leave, for us to have the opportunity to walk through the substantive issues and procedural steps associated with either of the two immediate options under consideration. It might also be helpful to all concerned for you, Ed Baker and me to meet to go over these options.

If we go the text amendment route, I would think that Ed would be heavily involved and may be the person to draft the amendment. If so, it seems to me that it would be constructive to at least start this process moving in the next couple of weeks. I would do whatever I can to keep the amendment moving forward once the new planner starts on May 2, assuming that is still the date, in your absence and Kay's. As I understand it, once the amendment is drafted, it will still take considerable time for it to move through the town Planning Commission and town Council under the best of circumstances. And, giving the staffing complications, we are not operating in the best of circumstances. I would like to take advantage of your availability for the next couple of weeks to move this matter forward and lay the ground work for an effective transition.

I appreciate your consideration of this request and look forward to hearing from you.

Sandy

Chandler, LeeAnne

From: Tracey Gordy [tgreene65@hotmail.com]
Sent: Monday, April 11, 2005 4:21 PM
To: Chandler, LeeAnne
Subject: Fw: Re: Growth Allocation

-----Original Message-----

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Cc: stroud@snowhillmd.com
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4/11/2005

Planning Commission members?

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I will be out of town during the day tomorrow but will be back for the town council's public hearing that evening. Any chance we could talk before or after that hearing?

Sandy

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Chandler, LeeAnne

From: shillyer@aol.com
Sent: Wednesday, March 30, 2005 3:06 PM
To: tgreene65@hotmail.com
Cc: Chandler, LeeAnne
Subject: CAC meeting

Hi, Tracey,

I didn't mean to step on anyone's toes with my email yesterday to LeeAnne, Ren and Regina where I cc'd you. Because LeeAnne said she would take these issues up with Ren and Regina to try to get a reading on an informal staff opinion, I felt it would be beneficial to all of us for me to present my argument prior to a decision being rendered. Usually, it is much harder to change a decision that has already been made than it is to affect the initial decision.

I have given a little further thought to the precedential significance of the proposed trade. I think it would serve as a favorable precedent to the extent that it would serve as a precedent at all. The circumstances underlying our proposed trade are so unusual they approach uniqueness. It appears that the state Commission may not have encountered this set of circumstances in the last 15 years and it may be a long time before it does so again. If someone does come in who has grandfathered rights to build in the buffer and proposes to trade them for permission to build in another part of the buffer area that would avoid interrupting a continuous 650 foot buffer corridor and avoid destruction of a 300 year old Cypress tree, so be it. Isn't that the type of precedent we want to encourage?

Thanks for sending Joe Kincaid's email address.

Please keep me posted on the state Commission's actions.

Sandy

- No trading in Program
- 8 to 13 units
- Haven't seen any plans for development of waterfront lots

Chandler, LeeAnne

From: shillyer@aol.com
Sent: Tuesday, March 29, 2005 5:22 PM
To: Chandler, LeeAnne; Esslinger, Regina; Serey, Ren
Cc: tgreene65@hotmail.com
Subject: meeting re Shipyard Alley issues

Hello, Ren, Regina and LeeAnne,

I have been working with Tracey Green Gordy and LeeAnne on some unusual Critical Area issues related to our Shipyard Alley project in Snow Hill. I would appreciate the opportunity to discuss with you a proposed trade of development rights in one part of the buffer area for permission to develop in another part. It may sound unusual, but I believe there are compelling reasons why the proposed trade greatly furthers achievement of core values in the Critical Area criteria. You all know the criteria far better than I do and I am hoping that you will be able to help find a path through them that sanctions this common sense proposal.

I think it would be most helpful if I could meet with you to discuss these issues. I will be in Annapolis this Thursday afternoon, March 31 for a doctor's appointment at 3:30 and could meet with you any time that day. If that doesn't work, please suggest another time.

I am attaching a letter I wrote to Tracey a while ago that summarizes the basis for the trade I am proposing.

I hope to see you soon.

Sandy Hillyer

Chandler, LeeAnne

From: shillyer@aol.com

Sent: Tuesday, March 29, 2005 5:09 PM

To: Chandler, LeeAnne

Cc: tgreene65@hotmail.com

Hi, LeeAnne

Thanks again for the productive meeting yesterday.

Here is a summary of sequence of reviews we discussed yesterday related to application for use of growth allocation and approval of proposed trade of development rights in the buffer area. I will be in Annapolis Thursday afternoon this week and would like to stop by the Critical Area Commission to discuss these issues, especially the buffer trade issue.

- Apply for growth allocation first. That's already underway. First the town – both Planning Commission and Town Council – then Worcester County. Hold going to the state commission for approval of use of growth allocation until we have a final site plan.
- Pursue reading from state Commission staff re consistency of proposed trade of development rights in the buffer area with the Critical Area criteria.
- Apply to town's Board of Appeals for a variance to allow trade of development rights in the buffer, if this appears to be a viable route.
- Do not apply to the town for approval of a condominium approach that would erase all existing property lines until we have secured firm commitment(s) from all necessary review authorities of our request to trade development rights in the Critical Area buffer area.
- Submit final site plan for review and approval by the town's planning commission and the state Critical Area Commission. We are likely to ask the town and state commission to approve a site plan for a cluster development that erases all existing property lines and creates a unified, condominium ownership of the 3.1 acres.

Sandy Hillyer

Hello, Tracey,

Thanks again for setting up yesterday's meeting with LeeAnne Chandler and Joe Kincaid. It really is efficient to get everyone together in the same room.

A few follow-up items and meeting notes. These include several specific questions for you and statements of my understanding of several procedural and substantive recommendations that were made at the meeting. I would really appreciate it if you could take a few minutes to respond to the questions and to review my summary of the procedural and substantive points for accuracy. Please let me know if I got anything wrong.

We are seeking preliminary readings about likely scenarios for resolving several permitting issues. Under the special circumstances created by the Summerfield proposal and the town's limited sewage capacity, we may only have time to go through the review process once and may only be able to secure necessary sewer hook-ups if the process moves relatively quickly. For these reasons we are trying to map out the likelihood of success of alternative scenarios at the front of the process and to avoid surprises a few weeks or months down the road that might cause substantial delays.

It is important that the town, county and state commission staff understand that all we have at present is a concept site plan and that we have not yet determined the exact number, types or location of units. I want to be sure that if we submit a different plan a few weeks or a couple of months from now, no one will feel they have been subjected to a "bait and switch" maneuver.

Application for use of growth allocation to reclassify Shipyard Alley from LDA to IDA:

- Proceed on fast track. Application for use of growth allocation has already begun.

It will proceed in advance of formal review by the Town of Snow Hill or the Critical Area Commission of our request for trading development rights in the buffer area.

A concept site plan will suffice for review by the Town of Snow Hill and Worcester County. The Critical Area Commission will require a final site plan.

- We have already applied to the Town of Snow Hill Planning and Zoning Commission for approval to use growth allocation for this purpose. Public notice has been run in local paper and the properties have been posted. Public hearing is scheduled for first week of April.
- Immediately – this week – run notice in local paper for public hearing before the Snow Hill Town Council.

- Immediately explore the procedures for Worcester County approval. **Tracey will call Keith Lackie to find out what those procedures are and inform me about what she finds.**
- I will follow-up with the Worcester County Planning Department and the Town of Snow Hill, as appropriate, as soon as I hear back from Tracey.
- Formal application to the Critical Area Commission for use of growth allocation will come after town and county approval. We will postpone that application until we have a final site plan. The state commission has established the practice of considering applications to use growth allocation in the context of a specific project review, not as a planning determination about the appropriate use of either specific sites or areas in the absence of specific project proposals. **Best case in terms of scheduling – the request to use growth allocation will come before the state commission at its July meeting.** This gives us time to develop the final site plan.

Trading development rights in the buffer along the main stem of the river for permission to build in the buffer along the side channel

We can apply for approval of this proposed trade to the town and county based on a concept site plan such as the one I gave LeeAnne at yesterday's meeting. Is this right?

- First step – LeeAnne seeks Critical Area Commission staff position and interpretation of whether Critical Area criteria allow this transfer. The purpose of this early staff review is to determine at the outset whether or not the state commission would be likely to appeal in the event the town's Board of Appeals approves the proposed trade. This would be a messy, drawn out process that we would do well to avoid.
- Second step – If state Commission staff says it won't object to the proposed transfer and/or finds a route through the criteria that could sanction the proposed trade, Shipyard Alley LLC then applies for a variance to the Snow Hill Board of Appeals to sanction the trade. The state Critical Area Commission is given notice of the Board of Appeals' hearing on this request and is empowered to attend and/or submit written recommendations.
- **Tracey, what comes next? If the town's Board of Appeals approves the transfer, what do we do next, make formal application to the Critical Area Commission to approve the transfer?**
- **How do I get a better understanding of the steps involved in this process and an estimate of the time frame in which it is reasonable to anticipate that determinations can be made by the town, county and state commission?**

Summary of sequence of reviews related to application for use of growth allocation and approval of proposed trade of development rights in the buffer area

- Apply for growth allocation first. That's already underway. First the town – both Planning Commission and Town Council – then Worcester County. Hold going to the state commission for approval of use of growth allocation until we have a final site plan.
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- Submit final site plan for review and approval by the town's planning commission and the state Critical Area Commission. We are likely to ask the town and state commission to approve a site plan that erases all existing property lines and creates a unified, condominium ownership of the 3.1 acres. (Once the growth allocation issue is resolved, we will not need further approval from either the town council or any county agency – is this correct?)

Will a condominium legal structure enhance the prospects for approval of a cluster development under the existing zoning ordinance?

This came up towards the end of our meeting. Reference was made to two approaches, but it was too sketchy for me to grasp.

One approach turned interpretations of Snow Hill's existing zoning ordinance. A definition of "condominium" is included in the town's zoning code.

The second was to pursue a text amendment to the R-2 provisions in the zoning code.

Tracey, I would like to talk with you further about this.

Impervious surface areas

- Shipyard Alley right of way. If we turn the portion of Shipyard Alley that is a public right-of-way over to the town after we expand its width from its current 13 ft. to whatever it ends up – possibly 22 feet wide – and we turn whatever sidewalk we build in that road right-of-way over to the town, the impervious surface will

not be counted in either the before-construction or post-construction calculation of impervious surface area.

- If we remove impervious surface from "Shipyard Alley-extended," which runs from the end of the public right-of-way towards the river, we get credit for doing so. That is, the existing impervious surface area is counted in the before-construction scenario.

Transplanting Cypress trees

- You will send me something in writing giving permission to transplant the young Cypress trees in the plantation in the buffer along the side channel.
- We will try to keep all the mitigation trees Bob Raley planted in the buffer along the main stem. (Note, if we have to build on Lot 3 and Lot 4 this may not be possible.)

Cutting down trees at 210 W. Market Street

- It is OK to cut down dead or dying trees. If we remove dead or dying trees in the 100 foot buffer area, we have to replace them at a three to one ratio. If we remove such trees outside the buffer area, they have to be replaced at a one-to-one ratio. Also, three shrubs equal one tree for mitigation purposes. (We have a lot of trees that have either been killed or severely damaged by Japanese Wisteria, English Ivy and other invasive species. Several have had most or all of their branches broken off, their tops either broken or bent way over.)

Site Map Shipyard Alley, LLC

Pocomoke River

Byrd Park

Market Street



#3
#2
#1

Legend

- Photo Points
- Spencer Rowe's Wetlands Line
- Site Perimeter



Scale: 1 inch = 100 feet
2004 True Color Aerial Photo Background

PHOTO 1

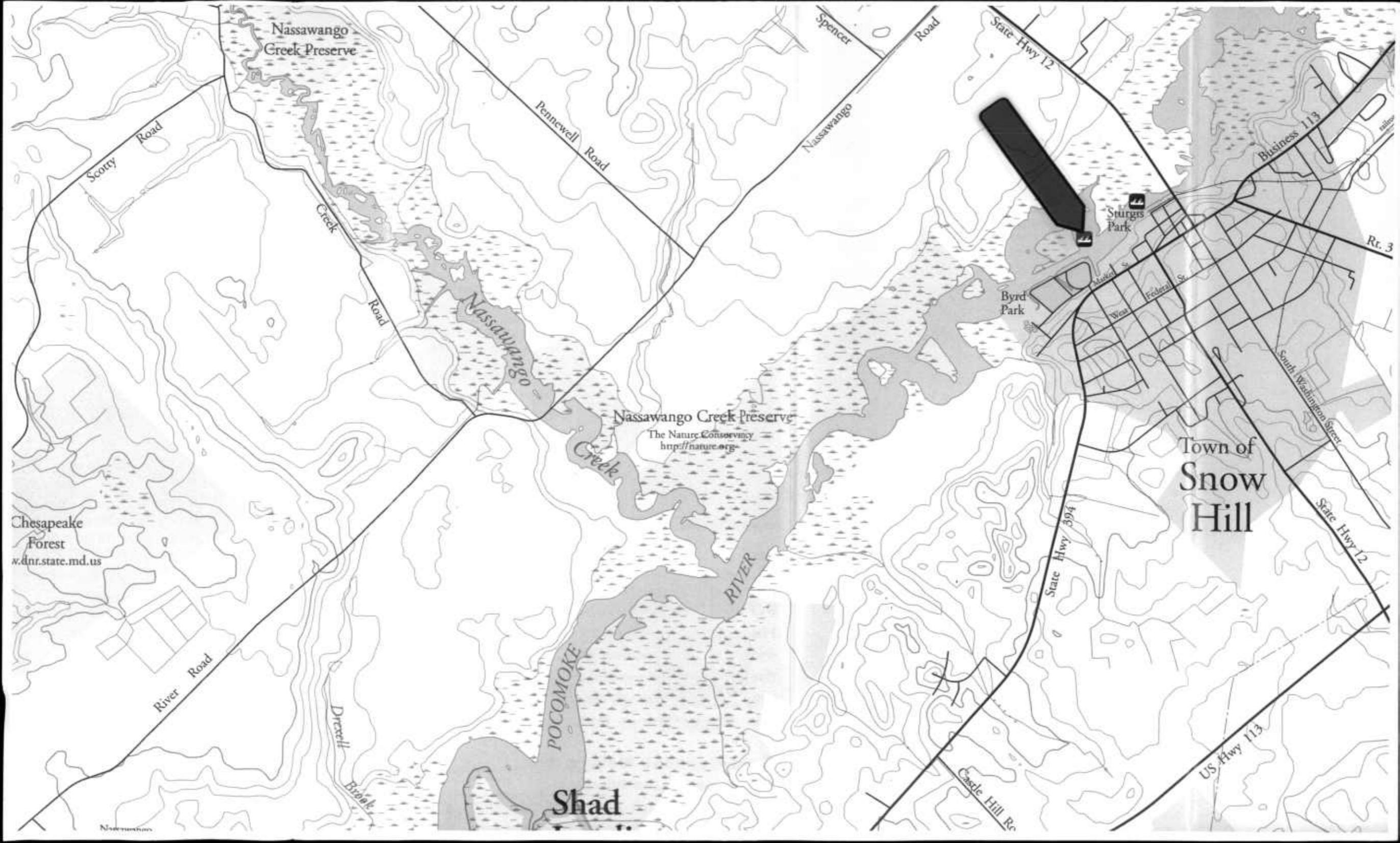


PHOTO 2



PHOTO 3





Nassawango
Creek Preserve

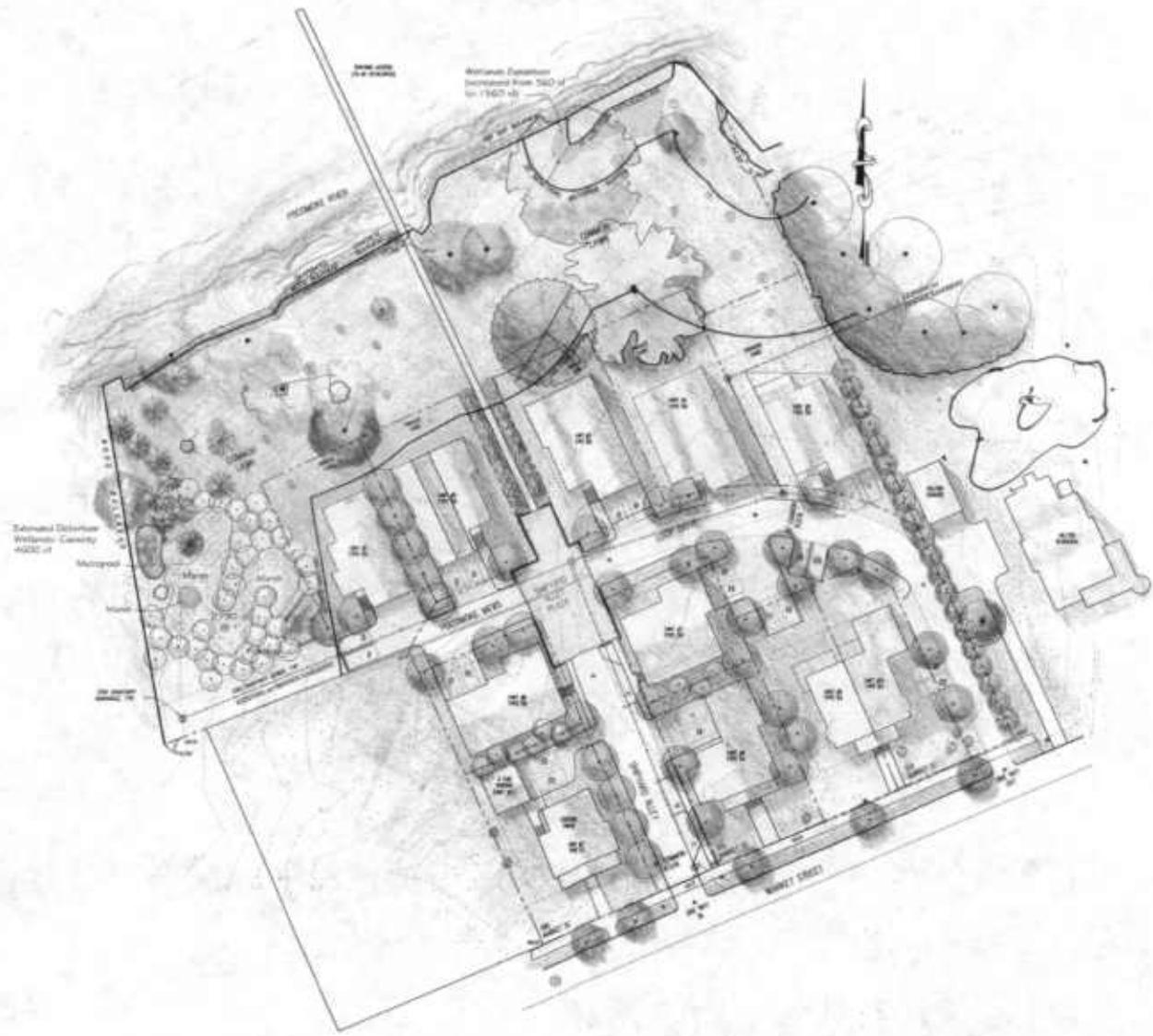
Nassawango Creek Preserve
The Nature Conservancy
<http://nature.org>

Town of
Snow
Hill

Chesapeake
Forest
w.dnr.state.md.us

Shad

Notations



Estimated Disturbance
Wetlands Capacity
4500 sq ft

Estimated Disturbance
Increased from 560 sq ft
to 1360 sq ft

SHIPYARD ALLEY

Snow Hill, Maryland

REVISIONS

DATE: 09/01/06
BY: JSD

O'DOHERTY GROUP
LANDSCAPE
ARCHITECTURE

JSD
INCORPORATED
Architecture
Planning &
Interior Design

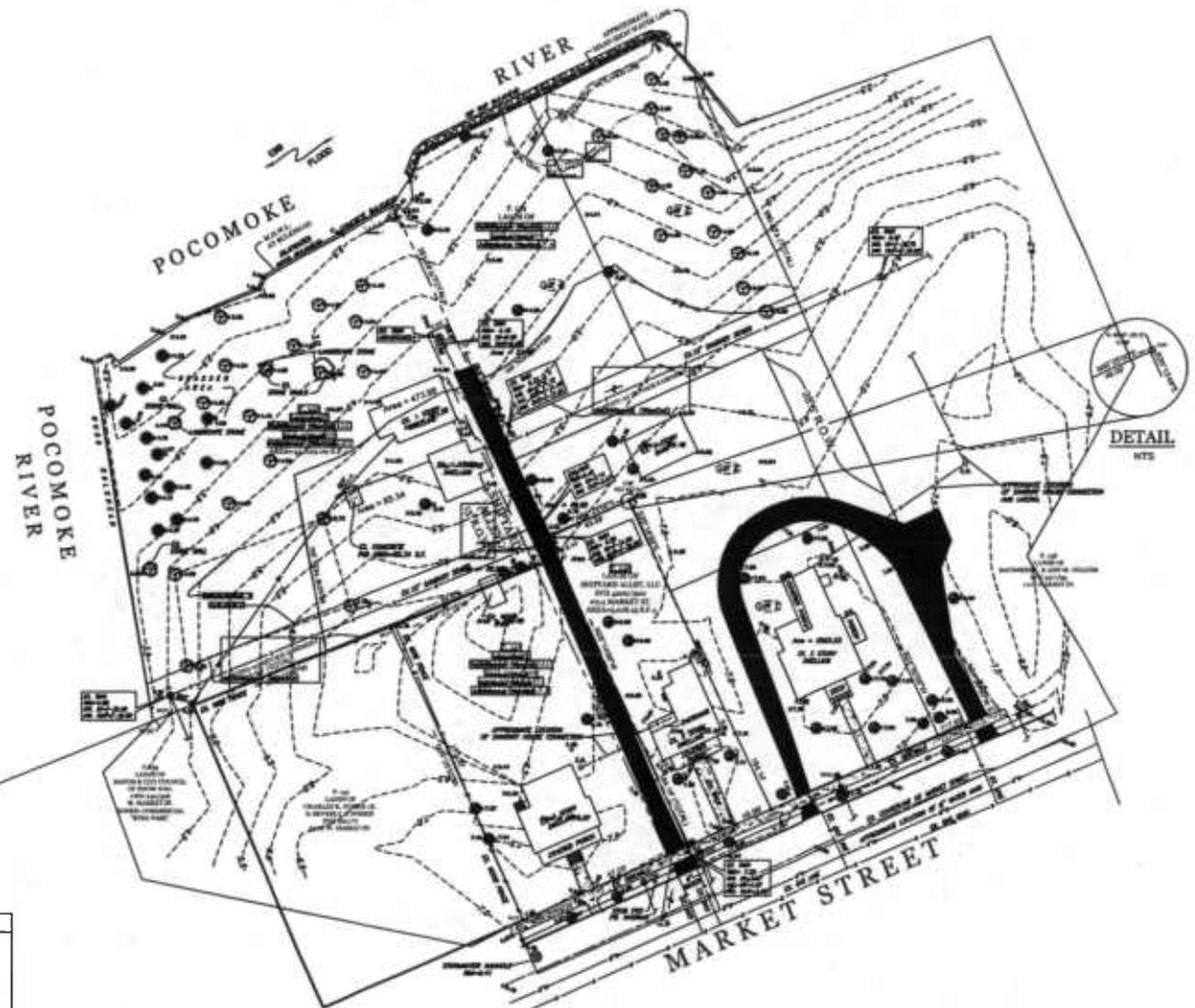
Jeff Schoellkopf
Design
PO Box 137
Winnon, VT 05624
tel 802-496-2108
fax 802-496-5166

SHEET TITLE
**SITE PLAN
WITH SWM
WETLANDS**

DRAWN
J.S.
APPROVED
J.S.
SCALE
1"=50'-0"

SEPTEMBER 2006





DETAIL
N.T.S.

**IMPERVIOUS AREA
CALCULATION**

LAND UNIT	AREA(±)
PARCEL 139	
LOT 1	3,975.40 S.F.
LOT 2	1,714.01 S.F.
LOT 3	0.00 S.F.
LOT 4	119.90 S.F.
TOTAL	5,809.31 S.F.
25' R.O.W.	1,675.65 S.F.
140	1,746.66 S.F.
141	1,886.37 S.F.
142	1,676.14 S.F.
SHIPYARD ALLEY	2,562.44 S.F.
TOTAL	15,559.60 S.F.

THIS IS TO CERTIFY THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE "MINIMUM STANDARDS OF PRACTICE" OF THE BOARD FOR PROFESSIONAL LAND SURVEYORS OF THE STATE OF MARYLAND

DATE _____

SIGNATURE _____

REGISTRATION NUMBER _____



VICINITY MAP
NOT TO SCALE

NOTES

- OWNER: SHIPYARD ALLEY, LLC
2710 W. MARKET ST.
SHOW HILL, MD 21083
- PREMISES ADDRESS: 212, 214 & 300 W. MARKET STREET
SHOW HILL, MD 21083
- SEE MAP 200 P. 130, 140, 141 & 142
- DEED REF: SM 3371/90, SM 4250/200
- PLAN REF: 104/04
- PRESENT ZONING R-2
- FLOOD ZONE "X" PER FIRM MAP PANEL 240008 0001 D, DATED MAY 15, 1980
- THE DRIVE SITE IS WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

LEGEND

- PCP @ BENCH MARK WITH CAP PLUMB BY SOULE & ASSOC., P.C.
- CH P CENTER POINT
- CP CENTER POINT
- SB BENCH POINT
- W 1/4 W 1/4
- ADJUTANT BENCH MARK
- UTILITY POLE
- CONCRETE MARK
- CONCRETE WITH ELEVATION
- PROPERTY LINE
- EXISTING BOUNDARY
- 1/4" TYP. BATTER
- 2" TYP. TAIL BATTER
- NON-TYP. RETURNED LINE
- ADJUTANT BENCH MARK
- CONCRETE MARK
- CONCRETE WITH ELEVATION



SOULE & ASSOCIATES, P.C. ENGINEERING / SURVEYING / PLANNING
122 BRUNTON ROAD, SUITE 201
SAUSBURY, MARYLAND 21801
(410) 742-7797

REVISION	Date	Issued for

TOPOGRAPHIC SURVEY
FOR
SANDY HILLYER
212, 214 & 300 WEST MARKET STREET
SECOND ELECTION DISTRICT
WORCESTER COUNTY
MARYLAND

Surveyed By: _____
Drawn By: _____
Date: 6/25/08
Job No.: 08-028
Drawing File No.: 08-028-005
Sheet No.: _____